



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

20 August 2002

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**MR SPEAKER** (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### **Gungahlin Drive extension**

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): Mr Speaker, I seek leave to make a short statement.

Leave granted.

**MR CORBELL:** Mr Speaker, on 4 June I answered a question from Mrs Cross in relation to the government's position on the timing of the Gungahlin Drive extension project. In my answer, I indicated to Mrs Cross that the government was seeking to complete the project in line with the previous government's timetable for the end of the 2003-04 financial year.

I have since checked the record with regard to the government's decision-making on this matter, and the subsequent decision that the project will not be completed until the end of the 2004-05 financial year. The government considered the timing of the project as part of the budget capital works deliberations. The bulk of the capital works timetable was considered, and substantially agreed, on 27 May this year, although it was not completely formalised until the budget was signed off on 11 June.

Given these circumstances, I believe I have inadvertently and unintentionally misled Mrs Cross and members in my answer on 4 June. I apologise to the Assembly for doing so.

### **Petition**

*The following petition was lodged for presentation, by Mr Smyth, from 1,589 residents.*

#### **Public liability insurance coverage**

That the Assembly call on the ACT Government to urgently initiate legislative and other action which will have the effect of creating an environment in which insurers will be willing to provide public liability insurance coverage, at economically viable premiums, to commercial and non-profit equestrian organisations operating in the Australian Capital Territory.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.*

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## **Privileges—Select Committee Alteration to reporting date**

**MS TUCKER** (10.34): I seek leave to move a motion to alter the reporting date of the Select Committee on Privileges.

Leave granted.

**MS TUCKER:** I move

That the resolution of the Assembly of 6 June 2002, concerning the establishment of the Select Committee on Privileges be amended by omitting “by 20 August 2002” and substituting “by 12 November 2002”.

This committee is conscious of its responsibilities to examine a difficult and sensitive matter thoroughly and carefully. It has proved impossible to complete this inquiry in the time available to it. There was some delay in receiving essential information required by the committee and held by the Australian Federal Police. In addition, a person to whom the committee needed to speak was unavailable for much of the winter recess.

In seeking this extension of time to report, the committee is subject to competing pressure. On the one hand, we recognise that, in a matter such as this, it is desirable that its report that should be tabled in the Assembly, not published out of session. At the same time, we are conscious of the need to resolve this matter without unnecessary delay. Thus, we ask the Assembly to include in the resolution the option of presenting the report to the Speaker, should it be completed prior to the proposed new reporting date.

Question resolved in the affirmative.

## **Planning and Environment—Standing Committee Report No 5**

**MRS DUNNE** (10.36): Mr Speaker, I present the following report:

Planning and Environment—Standing Committee—Report No 5—Draft Variation No 189 to the Territory Plan—Commercial B2A Civic Centre Land Use Policy (Precinct B1), Community Facility Sites and Other Minor Changes, dated 14 August 2002.

I move:

That the report be noted.

Mr Speaker, this is the fifth report of the Standing Committee on Planning and Environment and relates to the important Civic development colloquially known as section 56. The committee received the draft variation on this in April this year.

It brings to the end a very long process—of nearly four years duration—that has brought about the beginning of the redevelopment of the Bunda Street car park in Civic. This will involve the expanding of the current black tarmac car park into mixed-used commercial, community and residential developments.

The committee was broadly in support of the change of land use, but had some concerns. The committee was principally concerned about the length of time it took before the issue of land use change was brought to the committee and therefore the Assembly.

We were concerned that, after four years of a great deal of investment in time and resources, if we had had an objection, it would have been difficult to have voice it. We felt that that was a constraint on the operation of the committee and therefore on the Assembly. We will recommend that, in future, when major developments are proposed, the land use changes are made early in the piece, not later.

Whilst the committee supported the very important proposal that will see a rebirthing of the Griffin Centre into new and hopefully better premises, we were concerned that there may not, in future, be sufficient community space available in Civic.

We recognise that the proposed new Griffin Centre will provide much more and better space than is currently provided in the old, outmoded building. However, we have made a recommendation that land adjacent to the proposed new Griffin Centre should also have the capacity to have an overlay, or in some way to be considered for community use in the future. Therefore, if a future government decides that it needs more community land in the area, they will not have to go through the draft variation process. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Report No 6**

**MRS DUNNE** (10.38): Mr Speaker, I present the following report:

Planning and Environment—Standing Committee—Report No 6—Draft Variation No 182 to the Territory Plan—Public Land—Nature Reserve—Yellow Box/Red Gum Grassy Woodland, dated 14 August 2002.

I do not have a copy of the extract of the minutes. I move:

That the report be noted.

This is an important process in putting some of our endangered yellow box red gum grassy woodlands into reserves. The committee was entirely in support of this happening immediately. In addition, it puts into reserve the Aranda snow gums. The one concern the committee has is that the area in relation to east O'Malley is not yet included in nature reserves. We have recommended that this happen as soon as possible.

Question resolved in the affirmative.

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## **Report No 7**

**MRS DUNNE** (10.39): I present the following report:

Planning and Environment—Standing Committee—Report No 7—Draft Variation No 164 to the Territory Plan—Community Facility and Use Policies—Proposed Changes, dated 14 August 2002.

I move:

That the report be noted.

Mr Speaker, this report constitutes the completed deliberations of the Planning and Environment Committee on future land use policies in relation to community land.

The committee received the draft variation in April this year and conducted some inquiries and some deliberations. The committee recommends that the Territory Plan be amended to allow for community land use changes. The most significant and immediate impact of the variation will be on the capacity to build aged accommodation on community land, without the necessity of requiring a nursing home to be part of the complex.

The proposed changes mean that aged persons' accommodation could be built as an adjunct to other community sites. This will mean that aged persons' units can be built on community land, without the necessity, as I said before, of building a nursing home. There are many occasions when there is a demand for aged persons' accommodation, but not in association with a nursing home.

This will mean that aged persons' accommodation could be built as, say, an adjunct to church land or other community land. There is a recognised and growing demand for this in the ACT, and the community is happy to help facilitate that. I recommend the report to the Assembly.

Question resolved in the affirmative.

## **Legal Affairs—Standing Committee Scrutiny Report No 17 of 2002**

**MR STEFANIAK**: Mr Speaker, I present the following report:

Legal Affairs—Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 17 of 2002, dated 9 August 2002, together with a copy of the relevant minutes of proceedings and the confirmed minutes of proceedings relating to report numbers 15 and 16.

I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK:** Scrutiny Report No 17 contains the committee's comments on six bills and 36 pieces of subordinate legislation. The report was circulated to members out of session. I commend the report to the Assembly.

## **Estimates 2002-2003—Standing Committee Report**

**MR HUMPHRIES** (Leader of the Opposition) (10.43): Mr Speaker, I seek leave to present the Select Committee on Estimates 2002-03 report.

Leave granted.

**MR HUMPHRIES:** I present the following report:

Estimates 2002-2003—Select Committee—Budget 2002-03, together with minutes of proceedings.

Pursuant to an order of the Assembly, the committee forwarded its report to you, Mr Speaker, on 19 August, and you authorised the printing, publication and circulation of the report. I move:

That the report be noted.

This is the first substantive Estimates Committee report to be presented in this Assembly. It follows the presentation of the first Labor budget in the ACT in eight years. It has been a quite extensive exercise—probably more extensive than the Assembly is likely to see in future. If the government resumes the practice of bringing budgets down in May, or thereabouts, then presumably future estimates processes will be conducted in the gap between sittings in the May-June period, rather than in the July-August period, when obviously less time will be available.

As part of this process, there was extensive questioning of ministers—some ministers returned to the committee on a number of occasions. There was also evidence taken from members of the community, in the form of both written and oral submissions. The result has been a fairly comprehensive report.

I said in this place last year that I hoped there would be a process of re-emphasising and adding value to the reports of Assembly committees, so they were seen as useful exercises in adducing information and presenting it to the Assembly in a way which will allow members and governments to proceed to build better legislation and result in better outcomes for the work we do here. I hope this report fulfils that commitment.

The report, at many points, is critical of the government. It would be hard to imagine an Assembly report on a budget of any description which did not make criticisms, but the report also gives the government credit where credit is due. It appropriately analyses those things where information is yet to be adduced and put on the table.

I believe the most important feature of this report is that there are extensive areas where information is yet to be provided to the public, and to this Assembly—and a great deal of work will need to be done to produce that information.

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The government is conducting a number of inquiries and reviews at the present time, and the committee notes, at several points, that this information will need to be on the table for a full picture to be developed of what needs to be done in particular areas, to address areas of need in the community.

In particular, the committee acknowledged the difficulties created by the government's reconfiguring of departments in the midst of the budget process. Nonetheless, the committee feels it is necessary to point out that reorganising departments in the middle of the budget process obviously puts great strain on the Treasury officials concerned, who have to reconfigure budget documents. It also makes it difficult for the Estimates Committee.

That was highlighted, in this case, by the fact that there were a series of budget papers presented. Budget Paper No 4 was originally provided on 25 June. A revised version was supplied on 18 July, after the committee had begun its work. The final version of that same budget paper was presented on 23 July.

This created a lot of confusion, with members working from different documents at different times. It was not helped by the fact that one part of the final version of Budget Paper No 4 had large sections of pages out of numerical order. These are problems which we expect to happen from time to time. We hope this will not be the case next year—unless the government intends a further reorganisation just before the budget is produced.

The Estimates Committee looked at issues relating to performance indicators. It was especially concerned to make sure that the performance indicators used in the budget documents—and also, to some extent, in ownership agreements—represented a good method of the public, and the Assembly specifically, being able to judge the effectiveness of the expenditure we incur in certain areas of activity.

There has been a process, since the use of performance indicators began, of revising, updating and discarding performance indicators. Removal or changing of indicators across output classes and portfolios was a matter that absorbed some time in the committee.

Some members were concerned that the removal and modification of indicators made comparisons over years difficult—and indeed that is the case. The committee does agree with the Treasurer, however, that irrelevant measures should be discontinued, and that some measures that have been discontinued—such as those relating to economic management—potentially need to be provided in some other form.

As a result of the decision of individual ministers to drop certain indicators, there are now less performance indicators than previously. Committee members expressed concern about the process whereby individual ministers made decisions which may be inconsistent with those of other ministers, when it comes to logical presentation.

Although it did not make a recommendation to this effect, the committee felt that the decision to add or remove performance indicators from budget documents, or other related documents, should be one for cabinet to make, so that a consistent, across-the-board, view can be determined of the relevance of types of indicators.

The committee, for example, commented on indicators such as, “So-and-so are planned to be produced. Quantity—one” and questioned whether that was a useful kind of indicator to put before the public. Nevertheless, a great many performance measures feature in the budget papers. The committee feels that there needs to be a continuing process of reviewing the usefulness of those particular indicators.

In fact, the committee recommended that the government undertake a review of performance measures, to ensure that the measures are meaningful, allow for comparison over time, are consistent with measures in ownership agreements and annual reports, and take into account—this is important—the need for triple bottom line reporting.

In other words, we want the reporting to be useful—to actually say something—to tell a story. As an aside, might I say I fully concede that the performance indicators were in no better state under the previous government. A review would be a process that I would welcome a role in—in contributing to getting meaningful indicators on the table.

The committee also took some time to examine issues relating to land development. Members will recall that the Minister for Planning indicated to the Assembly that the appropriate vehicle to examine the government’s plans for socialising land development was the Estimates Committee. As a result, a great deal of time was spent on that matter. As I have suggested already, this minister was called back to the Estimates Committee on three separate occasions to continue evidence on that subject.

The committee noted that the Auditor-General had found that the resources of Treasury that were devoted to economic analysis in specific cases were insufficient. The concern, in this instance, related to the government’s intention of moving towards budget surpluses being largely predicated on income from land sales.

The committee was also interested to hear that the Treasurer apparently lacks some level of knowledge about the details of revenue to be derived from land lease sales. The Treasury apparently does not have full information, at this stage—at least for the benefit of the committee—of the forces of demand and supply in the land market. There was a suggestion that further work will need to be done on that subject.

The foreshadowed new land development agency, at this stage—perhaps not surprisingly—has no business plan. Yet, despite the dearth of economic analysis, the committee has been told by the Treasurer that the price of land could fall marginally under the plan that the government is bringing forward.

In response to that, and in light of the report of the Auditor-General—report No 5 of this year—which came down contemporaneously with this report, the committee recommended that it should be standard government practice to undertake a rigorous and independent cost benefit analysis for significant projects such as the decision of the government to become the major land developer in the territory.

Related to those measures was the tabling of the Planning and Land Bill. That bill sets up the structure of the new independent planning authority, as well as the government land development agency. Committee members spent some time examining what that would mean to the structure of planning and land development. They recommended that the Planning and Land Bill not be debated until the consequential amendments, which have been developed, have been tabled in the Assembly and made available for scrutiny and until the Standing Committee on Planning and Environment has an opportunity to consider the package as a whole, to understand how the concepts fit together, and—what is more—consider a review of the land act, which the committee recommended.

The committee understands, as I am sure we all do, that the land act is in need of review and overhaul, and felt it would be appropriate, in conjunction with the tabling and debate on the Planning and Land Bill, for there to be a review of the land act.

As I have said, the government has decided to take a more active role in land development in the ACT. The minister noted that the development will involve existing private sector developers as contractors delivering services on behalf of government, or through joint ventures or public-private partnerships with government. The detail on those vehicles was not available to the committee.

In addition to the benefits the government expects to flow from this approach, the government estimates that its approach to land development will provide an additional \$2 million in revenue in the financial year 2004-05 and \$17 million in 2005-06. However, the minister did acknowledge that there would be some loss of revenue in the intervening years before those profits or surpluses begin to accrue.

The committee spent some time examining the financial model underpinning the new land development model. The view was expressed that there was a need, in this case, for rigorous independent external scrutiny of that model to occur.

Individual committee members have been assured that the model provides a reliable basis for future policy. The minister reassured the committee that the model had been the product of consultation across a number of ACT government agencies and had been modified in light of experience.

We were told that the assumptions underpinning the model were conservative. Scrutiny of the government's new public sector land development policy was made more difficult through the fact that the details on how we work were not exactly self-evident from the budget papers. For example, the committee noted, in answer to a question, that there were something like 12 separate places in the budget documents where relevant information about the land development program could be obtained, across a number of papers.

Members also asked questions about the structure of the new land development agency and how it would be structured so as to avoid pitfalls which had been experienced in other recent policy initiatives and, indeed, with government-sponsored land development in the territory in the past.

The committee recommended that the business plan and financial modelling underpinning the new land development agency be subject to independent assessment, and that the results of this assessment be published.

Moving to other areas, members of the committee expressed concern about a number of areas. The improved quality of subdivisions and better planning outcomes seemed to depend largely on reduced density of housing, which would tend to reduce the return to the government when compared to the previous approach to land development.

The committee also found that there was a need for a clear explanation of how the improved quality of subdivisions and better planning outcomes could be achieved in this new model. There was also some discussion about the effect of draft variation 200.

I want to quickly touch on a few other areas. The committee noted that, in the course of the hearings, the decision was announced by the government not to continue with the V8 car races in the ACT. Members were given evidence about this, but it was suggested that government expenditure relating to the car race be redeployed within tourism, or specifically within the Canberra Tourism Events Corporation.

This was not evidence given directly to the committee but was announced in subsequent statements by the tourism minister. The majority of the committee recommends that the money be retained within CTEC for tourism-related expenditure. I would welcome a statement in this house on that subject by the minister.

The committee examined at some length the question of rising government revenue from stamp duty on insurance premiums. It noted the claim that there was a windfall of approximately \$2.6 million, exclusive of the government's previous commitment to spend money on a rebate scheme to benefit certain community organisations. (*Extension of time granted.*) Exclusive of that rebate to community organisations, which has been legislated for already, there was something like \$2.6 million available last financial year in additional stamp duty. Presumably that will again be available this financial year.

The committee recommended that the government examine the possibility of in some way returning at least part of that windfall gain from stamp duty and rising premiums to the community,. It suggested, for example, establishing an advisory scheme on reducing actuarial risk—which has been encountered by small community organisations or possibly small businesses—or establishing an underwriting pool for community organisations. The committee would be interested to see the government's consideration of those suggestions.

The government looked at the question of a diverse range of issues, including the question of car parking. It noted some evidence from ministers appearing before the committee that it was possible that, when parking fees were imposed in Belconnen and Tuggeranong, some recurrent costs for the provision of car parking—as opposed to capital cost—at colleges such as Lake Tuggeranong College, could be a cost incurred by the education department. The committee recommended that the government review any plan to attribute any cost, other than that relating to the building and maintenance of the relevant car parks for colleges, to the education department.

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Mr Speaker, I wish to touch briefly on the areas of health and education. There was extensive consideration of the expenditure of the \$27 million, previously allocated to the free school bus scheme, into education. The committee took evidence from the Independent Education Union, representing non-government teachers, and the Catholic Education Commission, about the extent to which commitments made in the past about the expenditure of that money in the non-government sector had been fulfilled.

Two members of the committee particularly noted comments made by the Catholic Education Commission—the suggestion that there had been some falling away from the commitments made by the government in the election campaign. The Catholic Education Commission quoted the previous education spokesman, who said, “The money will be shared between government and non-government sectors on a needs basis, with \$1 million going to the Catholic systemic schools.”

It says the commission noted that the government’s budget had distributed some \$20 million worth of new initiatives to government schools from the purported \$27 million available, and just \$1 million to Catholic school systems, without waiting for the recommendations of the education inquiry—the Connors inquiry. The inquiry’s ability to recommend and have implemented a funding distribution model based on need has been removed by the government, even before public submissions on the inquiry closed. Catholic schools, representing 28 per cent of ACT school students will receive just 5 per cent of the funds allocated in this budget.

Two members of the committee went on to say they felt that the government should honour its pre-election commitment to distribute available funds “between government and non-government schools on a needs basis, to be determined by a comprehensive review of the current schools funding regimes”. I will return to that subject, as I am sure other members will, in the course of debate on the budget bills next week.

There are a great many issues in the 65 recommendations. The last thing I want to mention is the question of elective surgery waiting lists. The committee initially asked questions about the waiting lists and sought information on just what was going to happen, with additional expenditure going into the system under this budget—and, indeed, under the second and third appropriations earlier this financial year, what would happen to things such as waiting lists in the public hospital system.

The committee heard that the position at Calvary Hospital was that elective surgery would shut down for a period of 14 weeks during the 2002-03 financial year, due to additional demands being placed on the emergency department. As a result of that, elective surgery waiting lists are expected to increase by 970 cost-weighted separations, resulting in a waiting list by the end of the financial year of approximately 2,000. That is from something in the order of 1,000 at the present time.

The committee asked the minister extensively about what strategy was in place at the Canberra Hospital to cope with the displacement of elective surgery patients from Calvary to Canberra. Officials confirmed the committee’s belief that the Canberra Hospital’s waiting lists will inevitably rise with displacement of patients from Calvary Hospital.

Debate was also conducted in the committee about the political importance of waiting lists and waiting times as an indicator, or measure, of the shape of the health system. The minister agreed that, whilst waiting lists are an important measure, there are other legitimate measures that might be used, and that perhaps there had been undue focus on waiting lists and waiting times. That is an issue to which the Assembly, I am sure, will be returning in the very near future.

Let me close by saying that I believe this exercise of producing 65 recommendations has been a useful one. It has confirmed that there is value to be obtained by focusing on measures that will improve the quality of reporting to the Assembly and the community, I urge the government to take on board the recommendations made about reporting, and use this exercise as one that will allow for better budget papers to come forward next year. I like to think that, as each year goes past, we do produce better budget papers.

Perhaps this year there has been a slight falling backwards, because of the creation of a new department at the very death knell of the budget process, and so many performance indicators were changing in a short space of time. We do need to get this system right. It is important for members of this place, and for the community, to be able to compare year-in, year-out, the effectiveness of public expenditure in those areas. I believe this report will assist in that process.

Mr Speaker, I want to thank the other members of the committee for their cooperation. It was a very long and involved exercise in determining the appropriate process. I want to thank the various people who acted as both secretary and assistant secretary to the committee—especially Patrick McCormack and the other members who are mentioned on the inside front cover of the report. I commend the report to the house.

**MR HARGREAVES** (11.06): I think this is a positive report. It suggests some directions for the government to consider when looking into its programs for the next three years—and some of the outyears. It brings to the government's attention how some members of the public, and some other members of the Assembly, feel about the government's priorities and the way in which it addresses those priorities.

I want to go through some of the recommendations and expand on them a little. I make the point that, whilst this report has the signature of all five members on it, I do not think it can be regarded as a totally unanimous report.

Having said that, I would like to commend other members of the committee on their approaches to their differing views. We do not have a dissenting report, which seems to be a hallmark of previous estimates committees. Indeed, I think the positive way in which the members felt as though they could compromise on wording is to their credit.

Also, the way we were able to address differences of opinion within the text of the report was a positive move forward. I would like to see that adopted as a bit of a standard for future estimates reports. I quote, for example, something the chairman has just indicated to the house. He referred to the comments made by the Catholic Education Commission about education funding. He indicated that two members felt that X was the case. Therefore, we could add up that three members felt differently.

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It was not necessarily the case that three members held a diametrically opposing view. The other members may have held a slightly different view but did not feel as strongly about that as the others. However, those members who had a very significant point to make were accommodated within the body of the report.

Recommendation No 1 talks about when community groups ought to be engaged in the estimates process. This is, in fact, a recommendation not to the government but to the Assembly. The rest of the recommendations recommend to the Assembly that the government do X, Y and Z. Number one is a recommendation to the Assembly, based on the experience of this Estimates Committee, on who should appear, and in what order, so as to get the maximum benefit of the contribution from the community to the budget process. I think that is a very good recommendation, and one which ought to be taken up.

A very significant issue which the chairman pointed to in his speech was—it was Mrs Dunne who raised it, like a terrier with a rat, I might say, to her credit, because it is something I have been bellyaching about for some years—the relevance of performance indicators contained in the budget papers.

Mr Speaker, the number of random breath tests in the ACT is of no relevance to me. I could not care less if I never saw another number on it. What I would like to see is some measure of the effectiveness of those issues. I think Mrs Dunne made that point, toughly, with a number of departments, as they paraded before us.

Difficulty was also experienced by the committee because of the multitude of documents we were given. The thread between them was not always easy to find. If we wanted to find a piece of information, we had to look at the budget documents marks I, II and III. We had to look at the statements of intent and ownership agreements. We had to sift through all of those and make sure they were right. Overlaid upon that was the change to the departmental structure, which left some eyes spinning.

I join the chair and the rest of the committee in urging the government to make the budget papers as easy to read as possible. I suggest the process should be to develop the budget papers, go out into the street, find a rock and explain it to the rock. If the rock does not understand it, is too complicated—go back and do it again! That is the approach I like to take when doing these things.

Recommendation No 4 talks about a rigorous and independent cost benefit analysis for its significant projects. Whilst I agree with that recommendation, I have to say it is not with a great reputation that the recommendation was developed. I can recall doing almost a dental job on the government last year, trying to get a rigorous and independent cost benefit analysis for the prison project. That started with a figure of \$32 million and worked its way gradually and excruciatingly upwards to \$110 million. Even then, the Rengain report came in and, on their admission, it was not a complete cost benefit analysis. I find it very difficult, having spent three years belting the previous government for not doing it, to not support a recommendation that the next government does it.

I turn now to recommendation No 7, which talks about the recall process. We began with all the best intentions—to have the ministers come before us with the departments and then say, “Okay, we might want to pursue that question in a little more depth,” and call them back and go down that track.

What happened was that, for a multitude of reasons, the questioning process got delayed and we did not recall at all. I think the process was poorer for us not being able to do that. I suspect there were a number of reasons why that was the case—I might address a couple of those a little later.

One of the areas where we did sort of diverge was recommendation No 17, which talks about briefings for the impact of wage decisions on the territory's finances. There were two issues there. One was trying to extract from the government the number of dollars it had been setting aside for wage increases. Certainly the majority of members, if my memory serves me correctly—I am happy to be corrected—agreed that any revelation along those lines would jeopardise any wage case negotiations.

This recommendation is that, when a wage case decision is concluded, members of this Assembly having some concern about its impact on the budget can receive briefings on the matter. I have no problem with that, in general terms. I think one could count on the heel of one's foot the number of members who would want such briefings. I do not think there are too many of them, but it is nice to have it. I must say that, in my experience in opposition, every time I ever asked for a briefing on any subject at all, in saying that I would keep that confidence, it was given. I see no reason why this government ought not to honour the same sort of approach because, at the end of the day, it is all based on trust. Refusal of such briefings indicates a distinct lack of trust. That would not be a good precedent to set.

Recommendation No 19 talks about the ICRC looking into Totalcare's operations, to make sure they are consistent with national competition policy guidelines. There are two issues on this one. Firstly, there is no need for anybody, under the guise of the ACCC's charter, to look into anything, if there is no public benefit to come out of it.

If people want to use the Independent Competition and Regulatory Commission to determine whether there is a public benefit, and therefore whether we should change the legislation to enable open competition, I would mention two things: I am not aware of legislation which bars the private sector from competing for contracts that Totalcare undertakes—quite the opposite. Indeed, Mr Speaker, when I was employed as a public servant, I can remember the horrors at the thought that Totalcare's operations would be opened up to the private sector. I thought, "Oh dear! What's going to happen?"

Then I realised that the services at that time—around 1994, 1995 and 1996—left a lot to be desired and cost an absolute fortune. So, in hindsight, the introduction of the private sector into that was probably not a bad move. But that has already been done—so I do not know why we would need to do it.

The other thing is the track record at the moment. We are looking into changing legislation to remove monopolies from the ACT. Monopolies such as those in the milk industry, for example, leave an awful lot to be desired.

What happened in the milk industry is that the prices went up and 600 kids lost their jobs. All I can say is congratulations to the guru who thought that one up! I think we ought to be having a good, hard, look at the Independent Competition and Regulatory Commission itself, because I have to express, in this chamber, a distinct lack of

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confidence in that body. I shall be drawing my mind to what to do about that a little later on.

Recommendation No 24 talks about car spaces in the Canberra Stadium. I do not know how you can get Hansard to describe it, but the Treasurer's attitude at the time was one of fingers twirling in ever-increasing circles around his left ear. He was really excited by the prospect of such incisive questioning—that we would worry about a car park, two-thirds of which was already provided for. It looks like it would be a dirt or grass car park with 800 spaces. The people at Bruce Stadium said it is fine. We should be worrying about things a little greater than a car park, which does not really pose much of a problem.

That was recommendation No 24. Contrast that with recommendation No 25, which talks about the review of financial arrangements between the government and the North Melbourne Kangaroos. I am happy to go down that track—we should. Being a Collingwood supporter, quite frankly, I do not care what happens to the Kangaroos.

However, my memory suggests that there were some really good and clever business dealings between the previous government and the Cosmos. We gave them about \$5,000 a game—and what happened? They disappeared off the face of the earth! Well, good!

What about the Brumbies? Admittedly, they are heroes at the moment. Good on them—all power to their arms and feet—but they were subsidised. I have forgotten the figure, but it was probably in the order of \$12,000 to \$20,000.

I could be way out on that one, but I will not be way out on the support we gave the Raiders of \$200,000 a guaranteed gate day—or a game. There was no way, in anybody's wildest dreams, that the Raiders were able to pull that kind of gate-take in—not when they were going down to every little rugby league game in the place and handing out free tickets! They were handing free tickets out to anybody who looked like a raffle seller. So, whilst it is reasonable that we look into the review of financial arrangements with any elite sporting body, we ought to do that with a sense of history. I am sure this government does not want to repeat the monumental cock-ups that happened in the last one!

On recommendation No 40, Mr Speaker, about how the government determined that \$50 million would be the appropriate amount to spend on a remand centre, I can remember having a non-budget item of \$32 million there for an entire prison. For three years, I asked, "How did you make that up?" I got the distinct impression it was something that popped into somebody's head, because it is a fairly frequent figure—and that it was nothing more than that. It was a guesstimate and a provision, so that at least somebody knew how much it was. Over the years, it grew to \$45 million, \$69 million, \$97 million and \$110 million. I asked, almost quarterly—maybe even more frequently than that—"How did you work it out? Tell us how you worked it out!"

Nothing was forthcoming. Due to the persistence of Mr Osborne, who was the chair of the Standing Committee on Justice and Community Safety, and the terrier-like approach he had to extracting that information out of the government, it took only 3½ years! Then that was an ambit figure of \$110 million. So, again, I am happy to go along with the recommendation, but let us have a sense of history here.

Recommendation No 57 is one that is dear to my heart, as members of the committee would know. It talks about medical services in the Lanyon Valley. I acknowledge the work the department of health has done, but they are not doing it fast enough. It is as simple as that.

People down in the Lanyon Valley have no doctor, other than the closed surgery at Gordon. They have no medical services other than the mothercraft and childcare service down there, but at least they are looking at changes. I wish them well and just ask them to do it little quicker. (*Extension of time granted.*)

I wanted to make mention of Mr Humphries' comments over the past few years—that these estimates committees are at an all-time low. It seemed as though we were going to descend into the depths of despair!

Each time the estimates committee report was compiled, the high-jump bar was dropped a little bit lower, so that people did not have to jump over it—they could step over it. I was wondering if it would lie on the ground completely, under his chairmanship. However, Mr Speaker, I have to say that this is one report which I thought was compiled in a spirit of cooperation. It was considerably better in its product than I thought it would be. I pay credit to the members of the committee, and to the chair.

There are a couple of points I want to make. One of the reasons why it took so long, and why we did not get to recall per se, was that a couple of members used the process as a vehicle to obtain knowledge about how the government works, and about how each and every department works. I do not have a problem with that because it is an excellent process to discover just that, but it can go on. I caution members of future estimates committees to be a little more concise about that. You can achieve exactly the same thing and it will not take quite so long.

The two members who were doing that I thought gained an awful lot out of the process. I certainly gained a fair bit myself, because of the way in which they grazed across the prairies of bureaucracy.

**Mr Pratt:** What about the jungle—or desert?

**MR HARGREAVES:** Thank you, Mr Pratt. I will now come to the others. There was a distinct competition for airplay time between the opposition members on the committee and their shadow ministerial colleagues—to the extent that their shadow ministerial colleagues were as rare as rocking-horse teeth. We saw very little of them. I was a bit disappointed about that and I wanted to place my disappointment on the record. In previous years, shadow ministers have done just that—they have sat and quizzed, quite extensively, the minister they were opposing.

In my view, we did not see enough work done by the shadow ministry. I felt it was left very much to Mrs Dunne and the chair. To Mrs Dunne's credit, she was able to range across a series of portfolios. However, I believe she could have received a heck of a lot more support from her shadow ministry than she did receive. I was disappointed in that. I think they ought to go back, at the end of this process, and consider their contribution—consider whether, perhaps, they can step it up a pace next time.

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I think this report does, in the spirit of a fair amount of goodwill, offer a number of suggestions to the government which it could pick up. There are certainly some suggestions in there which I doubt the government would pick up, but there is nothing different in that from previous years.

As the chairman said, there were 65 recommendations. It took a long time and we took out a lot of teeth in the process. However, there are many substantial recommendations in this report and I commend the report to the Assembly.

**MS DUNDAS (11.26):** Firstly I would like to say that I found this estimates process mostly open, helpful and enjoyable. I extend my thanks to all those involved—my fellow committee members, Secretariat support staff, the ministers and all the departmental officers who appeared and assisted throughout the long but entirely necessary process.

I am also pleased to note that we have tabled one report with no dissent—as the committee worked very hard to reach consensus on a wide range of issues. This, Mr Speaker, was my first time on a select committee on estimates, looking at a full budget. I am firmly of the view that the government could have managed the budget process far better.

Poor management and departmental restructures in the areas of disability, housing and community services led to enormous confusion and a loss of transparency. As the report notes, the committee was severely hampered in its attempts to question the ministers and departmental officials about changes to spending and outputs, because updated budget papers were not available until the middle of the estimates hearings.

I was particularly unhappy to see that a large number of performance measures were discontinued or replaced, and that no overlapping information on the measures was provided, for either the last financial year or this financial year. In effect, in many program areas the committee was unable to establish whether there had been substantial cuts or increases to existing programs.

Many departmental officials, due to the change in the budget papers, came to the hearings under-prepared. It was difficult to get information from them, as they were reading from a different set of budget papers. As has been mentioned, I was also concerned that, increasingly, output measures relate to the satisfaction of the minister with the work of the department. The proliferation of such measures indicates to me that the government is losing sight of Westminster principles.

Whilst in opposition, the Chief Minister wholeheartedly supported these principles. I do not want to see him reneging on what is a good commitment to keep. The budget process is intended to keep the executive accountable to this Assembly and, through it, the ACT community. These types of measures appear to be more about keeping public servants accountable to the executive.

The minister has great latitude to require departmental officials to report on many aspects of departmental business. Ministers do not need the budget process to keep departments accountable, but the Assembly does. In many areas, the output measures used failed to provide the necessary accountability.

I realise that there is a great deal of history and tradition in this place, but it was disappointing that ministers at times appeared to act evasively and defensively, and that the shenanigans reminiscent of question time in this chamber appeared in the estimates hearings.

I approached estimates with a desire to gain more detail about the budget and to keep the government accountable. Despite these concerns, I believe that what we achieved, to varying degrees, met both of these aims. We had four ministers appear over 10 days and we came up with 65 recommendations. A lot of ground was covered in the examination of this government's first budget.

I would now like to draw the attention of the Assembly and the government to a number of areas which I believe are key areas. Firstly, I would like to talk about full retail contestability. The introduction of full retail contestability will mean price increases on electricity bills for many households across the ACT. The Treasurer knows it, the Estimates Committee is aware of it, and yet it appears that retail contestability will occur this year.

There is no money in this budget for a publicity campaign to tell consumers about the effects of this change. The government must address this immediately. Further, I would like to see a change in government subsidies to include the electricity service fee, which is predicted to rise substantially if full retail contestability is introduced.

Secondly, I would like to discuss Totalcare. The lack of transparency in Totalcare Industries, in relation to ACT government capital injections, is of continual concern. We are still unable to tell how much the ACT government has spent propping up private industry contracts, New South Wales private hospital contracts or other interstate contracts.

When I called for a review of this during estimates, the Treasurer responded by saying that no review was necessary, as we just had to concentrate on the day-to-day running of the business. It is obvious that Totalcare lost ACT taxpayers in excess of \$39,000 a day last year, and I sincerely believe that now is the time for a review.

Next, I would like to discuss crime prevention. Whilst we have seen statistics released in the past couple of days which have shown a decrease in crime rates, except in the area of sexual assault, it was disappointing to discover that some of the money allocated in last year's budget for crime prevention strategies was not expended in the financial year, and that that money has been returned to general revenue.

Whilst this Assembly may discuss the needs of those at Belconnen Remand Centre and the need for a prison, it is obvious that work still needs to be done in the early stages in crime prevention. Hopefully, the government will take note of recommendation 38—that unspent monies for crime prevention be returned to JACS and the Australian Federal Police, so they can continue to expand their crime prevention programs.

I am also interested in how the \$1.6 million that will be spent in WorkCover over four years, enforcing the Dangerous Goods Act of 1975, will be spent. The committee has noted three things—that \$1.6 million will be spent over the next four years, that the

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Standing Committee on Legal Affairs has recommended that aspects of this law be addressed, and that the law is currently extremely difficult to enforce—in light of the Ridgeway decision taken by the High Court. I am interested in obtaining more information on how this \$1.6 million will be expended.

Another issue that I found interesting, during the estimates process, was discussion of the environment and the No Waste by 2010 Strategy. I found this budget very disappointing when it came to funding initiatives for the environment. Spending on greenhouse gas abatement programs was much lower than expected in last year's budget. Information on the solar hot water rebate scheme was not encouraging, and there is still no money to install hot water systems for ACT Housing tenants.

I am also extremely concerned about the government's commitment to the No Waste by 2010 Strategy, in light of the fact that the government will be spending at least \$2.4 million on a new landfill trench, yet making no provision for kerbside collection of putrescible waste.

Whilst Mr Humphries has drawn our attention to discussion about education funding which took place during the estimates process, I would like to bring the Assembly's attention to the decision that was made by the government to provide a CPI index of only 1 per cent to those community services funded through the Department of Education, Youth and Family Services.

Whilst education is important and I understand the minister's desire to not cut services inside the school gate, I am concerned about the effects this cut will have on community and youth services. Education does not happen in the school alone. Some services provided within the school gate are not funded by the department of education. The youth and family sector could have fared much better in this budget—and vital services will undoubtedly suffer.

I have focused on some of the shortcomings of this budget, Mr Speaker. However, there are strengths in this budget. I commend the government's clear commitment to Canberra's health, the public education system, and the move to implement sustainability reporting across the government.

I also commend the courage of the government, in finding new revenue measures to support improved services. Undoubtedly, new taxes and charges are always unpopular, but it would be far worse for successive governments to cut the revenue base until there is next to nothing left to help people in need.

On balance, there is more in this budget with which I agree than disagree. I recognise that this government is responsive to community needs and requests—and this is a good thing. I am hopeful that the government will take on board the criticism set out in the estimates report, and that the next budget process will run a lot more smoothly.

**MRS DUNNE (11.35):** I rise in support of the report of the Select Committee on Estimates. Like Ms Dundas and the other speakers before me, I found that, for the most part, it was an informative and, as a new member, educative process. Also, for someone who has observed the budget process in this place from the outside for five years, it is

quite different to sit at the table and watch the body language, rather than sitting in the gallery, watching the backs of people's heads.

It was a very positive process. The fact that this was a unanimous report, and the fact that it is the first time in five years that we have seen a unanimous report of the Estimates Committee, is testament to the time, effort and commitment of all the people who participated in that. I would like to thank the other members of the committee, the ministers for the time they put in—some more grudgingly than others—and their departmental officers. Particular thanks go to the staff of the committee office—Mr McCormack in particular—and to all the others who assisted him in the preparation of the report. We thought we worked hard. We sat there from 9.00 am until 6.00 pm, day in and day out, but when we went home, they continued to write. I pay testament to them. When we went home on Friday afternoons, they were still writing.

I would like to raise a few points, although some will be echoing what other members have said already. On performance indicators, I was, I confess, a little like a cracked record. After this, I will break the record for at least a short time but we must have better performance indicators. I observed the budget process in another way for the past five years. I have often said that we needed more and better performance indicators. Mr Humphries has also said that no previous government has been above criticism on this.

I think this is the time that we, as an Assembly, in concert with the government, must take on the advice of the Auditor-General. We need to have better, more accountable, more transparent and more readable, performance indicators. We need meaningful performance indicators which are put together in such a way that we do not have to go scurrying from ownership agreements to budget papers and performance outputs and then hope that you might find something meaningful in the annual report.

One of the early recommendations of the committee was that measures be meaningful, allow for comparison over time, be consistent with measures in the ownership agreements, and take into account the need for triple bottom-line reporting. This is probably the most important recommendation that has come out of this committee.

Whilst I am talking about openness, accountability and transparency, I cannot go past certain issues. Early in the piece, the members of the committee were presented with a list of savings. I was appalled at some of the things I found on this list, particularly a million dollars that had previously been devoted to social capital, which appeared as a saving.

Social capital is something which is dear to my heart. It is not dear to the heart of the Treasurer—he thinks it is nonsense. However, in the past few weeks, I have heard the Chief Minister wax eloquently on the subject of social capital on two or three occasions, and I was pleased to hear it. He has used words and phrases that I would be proud to use.

I was also pleased to see that, when we did bore down into this, the so-called saving on social capital was illusory, that it was a technical adjustment and that the money had not been saved at all, but had rightly been allocated to departments. There is a recommendation that, in future, in light of the need for more transparency, technical

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adjustments be treated differently from savings—so that, when we talk about savings, we have a true picture of what savings are.

Moving on to substantive policy issues, I will touch on some of those. I may repeat what other people have said, but I hope my comments will bring a different aspect. In relation to CPI indexing for services in youth and family services, like Ms Dundas and, I think, most members of the committee, I was concerned that this would have a substantial, indiscriminate impact on organisations which provide essential services, in large part, to the people who are most in need.

I was disturbed that there was no contrition, no remorse and no particular concern from the minister. It was just a decision that had been made—that was it, and we had to live with it because of this decision. I think members of organisations which provide essential services in the community and welfare sector will find that next year and continuing years will be much more difficult.

On decisions that we just have to live with, I cannot go past this Estimates Committee report without referring to funding for non-government schools and, in particular, the paltry application of \$1 million, so far, out of the \$16 million allocated from the free school bus money. That \$1 million means that slightly more than 5 per cent of the money is going to systemic schools for IT output.

It raises the question of what to do with the children in other schools who are not part of the Catholic systemic school system—they miss out entirely. It means you have about 5 per cent of the money going to 40 per cent of the children. I would say, as I have said on a number of occasions, that this is an abandonment of nearly 40 per cent of school children, and their families, by this government. I hope that, in time, they will be brought under sufficient pressure to re-examine this decision.

I draw to members' attention the views of the Catholic Education Office about how unfair the budget is in relation to children in Catholic schools, whether they be systemic or non-systemic. Quoting the director of the Catholic Education Office, Mr Geoff Joy—I have seen this in many places and I was able to pick it up in the *Catholic Voice* that I just happened to have lying around the office—the budget is unfair and that election promises on schools have been broken in a big way.

Mr Joy said that the government has broken its election promises in a big way in its 2002-03 budget, which has resulted in monstrous inequity in funding for Catholic schools. He said that Catholic schools enrol 28 per cent of ACT children, but will receive only 5 per cent of new funds allocated by this government. I hope this message goes out loud and clear to those 40 per cent of people in this territory—that, at the moment, this government is not interested in them.

Moving from education, I would like to touch briefly on an issue that has not, as yet, been raised here. It is one that I consider as a health and safety issue which impacts on many people across the ACT. Members of the committee were concerned—and there is a recommendation to this effect—that, as a result of changes to the standards of bridges, there have been numerous diversions of heavy traffic into areas which are entirely inappropriate.

The first area that came to my notice was in Chuculba Crescent in Giralang. There, trucks in excess of 30 tonnes are being diverted down a residential street, past crossings that lead directly to the school.

Since then, from talking with constituents and just driving around the place, I have discovered many other places where trucks, in excess of 25 or 30 tonnes, are being diverted down residential streets—and especially down Ratcliffe Street in Florey, past the Florey Primary School. I believe this is an entirely inappropriate use of our road system and have asked the minister to address this as a matter of urgency. I am waiting for a response on this because it is a matter of safety. We should not have to send our children to school where they have to cross a street, perhaps against a 30-tonne truck. I look forward with eager anticipation to the minister's solution to this problem.

I could not talk about the Estimates Committee report without mentioning issues relating to planning. I will touch briefly on some of those. The committee has recommended that we must solve the problems in relation to putting into reserve the precious yellow gum red box grassy woodlands at east O'Malley. The recommendation of the committee also reflects the recommendation of the Standing Committee on Planning and Environment—that, as a matter of urgency, we must address the reserve in relation to east O'Malley. (*Extension of time granted.*) When the issue of the reserve in relation to east O'Malley is addressed, perhaps the residents of east O'Malley will feel much more confident about any land development that might happen there.

We touched at length on the Gungahlin Drive extension. It has not been mentioned here today, Mr Speaker, but it was like extracting teeth. Mr Hargreaves spoke about a dental job. Well, it was like extracting teeth, but we did eventually have some evidence of the minister coming clean about the program and the timetabling for the Gungahlin Drive extension. We saw the culmination of that here today, when the minister admitted that he misled members of the Assembly in June in relation to answers to questions. I thank the minister for his apology, although I have concerns about his use of the word "inadvertent".

The committee was so concerned about the lack of clarity and the lack of forthcoming information that it has made a specific recommendation about keeping the Assembly and, through the Assembly, the people of the ACT, informed about progress on Gungahlin Drive, which is an important piece of infrastructure.

The people of Aranda have again been gypped in this report. I would like to have seen a recommendation in relation to Caswell Drive. The minister has said he has no intention of opening negotiations with the National Capital Authority about the relocation of Caswell Drive. I would like to have seen a recommendation here to ask the minister to do that but, unfortunately, that did not see the light of day. I am concerned that some members of the committee prefer to put plants before people and not even explore the possibility of the relocation of Caswell Drive.

On the matter of the Planning and Land Bill, which the chairman has already spoken about, the recommendation is to have the land act reviewed, in concert with the consideration of the Planning and Land Bill. It is imperative that this Assembly receives all the consequential amendments and that it have a detailed picture of the full impact of this piece of legislation before it is finally debated in this place.

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The chairman has talked about land servicing, and I must reinforce that. So far, we have no business plan for a highly ambitious proposal to undertake land servicing. The officers, who spoke at both the estimates hearings and private briefings that I have received, assured me that the expectations of this are conservative and that they are confident.

Although I have confidence in them as members, I am not entirely enthusiastic about what they said. I thought they were more enthusiastic about the prospect of getting their hands on land to service than being entirely rigorous. I am not confident. The reason I am not confident is that the ACT has a very bad history of running businesses. We have Harcourt Hill which, over many years, has cost the territory dearly—probably in excess of \$20 million—the hotel school and the Williamsdale Quarry. Despite extensive external assessment of the business plan, that turned out to be a dismal failure. We do not have a good record on this.

On this cautionary note, I commend the report of the committee. I hope to see many recommendations being supported and acted upon by the government in the very near future.

**MS GALLAGHER (11.49):** Mr Speaker, I would like to make a few comments in relation to the Select Committee on Estimates report, in addition to those made by Mr Hargreaves.

As a relatively new member of this Assembly, going through the estimates process, whilst sometimes frustrating, was certainly an educational one. After 10 days of hearings and 15 or so hours of deliberations, I certainly know a great deal more about the ACT government departments than I knew before—who does what, how much it costs—and always that everyone needs more money.

I would like to acknowledge the contributions, by submissions and appearances, of members and organisations from the ACT community. The contribution by these groups, in informing the committee on exactly what this budget means to them or their organisations, is critical in assisting members of the committee to understand what impacts the proposed budget will have on themselves and their constituencies.

I support the recommendation made in the report which encourages future committees to engage community groups earlier in the hearings in the estimates process than we did. I would also like other members to acknowledge the work of the committee office—on behalf of John Hargreaves and myself.

Whilst all secretaries participated in the process, the primary secretary, Mr Patrick McCormack, provided the select committee with excellent support. He also spent much time at work this past weekend, typing and doing the final corrections on the report so it was ready for tabling in the Assembly. Thank you, Patrick.

I would also like to acknowledge the contributions of other committee members. There were times when discussions and questions became heated and political, but the major part of the committee's time was not like that. I know that, in past estimates committees, there have been comments made about the lack of participation of some members, and

the subsequent tabling of dissenting reports. This committee operated with the full commitment of every member.

The final report demonstrates the evidence given to the committee and the results of post-evidence discussions. Being a government member on the committee, naturally there are recommendations in the report with which I do not agree, but I am pleased that the report being tabled is unanimous.

My last comments relate to the only thing that the estimates report does not do very well. That is that it does not acknowledge the uncontroversial but important new initiatives being introduced by the budget. Pretty much the positives of the budget go largely ignored in the report. I understand that the main purpose of an estimates report is to provide comments, suggestions and recommendations prior to debate on the budget, and that this means the report is bound to focus on productivity savings, new revenue initiatives and controversial initiatives.

However, it is worth mentioning here that there are significant initiatives provided for in this first budget of the Labor government—and I will not take up the time of the Assembly by listing them all. In support of these comments, I will use examples of a few of these initiatives. One is the establishment of a consumer law centre to provide services to people who cannot afford legal advice. Another is emergency child-care places for occasional care—a total of 20,600 hours for families in need. There are several new initiatives targeted towards the ACT indigenous community in youth, alcohol and drug projects, family violence prevention programs and indigenous housing options.

I guess that, at the end of the day, every member in this place understands that there is never enough money to go around, either into departments or to fund services provided by the community sector. One thing we can do is ensure that the government prioritises expenditure into areas where the need is greatest. This budget goes some way to address some of the significant disadvantage experienced by people in our community. You will not find that statement in the estimates report, but I think it is one worth making here.

Debate (on motion by **Mr Quinlan**) adjourned to the next sitting.

## **Civil Law (Wrongs) Bill 2002**

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.54): Mr Speaker, I ask for leave to present the Civil Law (Wrongs) Bill 2002.

Leave not granted.

**MR STANHOPE**: I suppose we could just wail against the Liberals for refusing to support reform of insurance law. We could do that or we could suspend standing orders. We could waste everybody's time. I move:

That so much of the standing orders be suspended as would prevent me from presenting the Civil Law (Wrongs) Bill 2002.

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Mr Speaker, the Civil Law (Wrongs) Bill 2002 is a major response by the ACT government to the so-called insurance crisis, which is having a significant effect on the Canberra community. None of us is unaware of the impact of the issues of affordability and availability of insurance premiums on much of the vital work that is being done, on the many community organisations and on the conduct of the business of government, particularly in the provision of medical and other services to the people of Canberra.

It is absolutely amazing to me that the Liberal Party does not care about the trauma that is being suffered by the community. The Liberal Party does not care about the enormous damage that is been done to the community infrastructure as a result of the non-availability of insurance.

**Mrs Dunne:** Mr Speaker, I rise on a point of order. The Chief Minister is not debating whether or not standing orders should be suspended but is debating the substance of the motion that he wants to move.

**MR STANHOPE:** I was speaking about the importance to the Canberra community of the Civil Law (Wrongs) Bill 2002. It is vitally important to the people of Canberra that this bill be tabled today, that this debate be had and that we get on with the job of seriously addressing the insurance crisis.

We have the Liberal Party opposing a major response by the government to the insurance crisis. That is what we are debating. We are debating the fact that the Liberal Party oppose the government's attempts to deal with the insurance crisis. The Liberal Party do not want the insurance crisis dealt with. The Liberal Party do not want doctors to keep practising. The Liberal Party do not want community organisations to be able to go about the vital work they do to provide the cement that binds our community. They do not want community organisations to continue to provide and build the social capital that is vital to this community. The Liberal Party do not want us to deal with the insurance crisis. They oppose the introduction of this bill.

**Mrs Dunne:** Mr Speaker, I go back to my point of order. So far, the Chief Minister has not expressed one reason why notice was not given of this, why we need to suspend standing orders and why we cannot do this on Thursday. I would like to bring the Chief Minister back to the substantive item of why he needs to suspend standing orders to do this today.

**MR SPEAKER:** The Chief Minister made the point that the reason he wants to suspend standing orders is that this is an important piece of legislation, and it is within the standing orders for him to do that.

**Mrs Dunne:** Mr Speaker, unless there is some urgency to debate it this week, the normal time for introducing new legislation is on a Thursday.

**MR SPEAKER:** Mrs Dunne, the question before the house is that standing orders be suspended. I am not at liberty to interpret whether or not we should be talking about a particular piece of legislation today. All I am charged with is the responsibility of ensuring that that motion is dealt with in this place.

**MR STANHOPE:** Thank you, Mr Speaker. I think I have made the point that this is an extremely important piece of legislation. It is urgent. It is vital that we develop the building blocks to allow us to deal comprehensively with issues around insurance, and that is what we are doing. This is a comprehensive, detailed and measured response to issues affecting the availability of insurance within our community. This is a detailed response to the issue of the affordability of premiums. This is an absolutely vital piece of legislation. What it does is codify all the laws in the ACT relating to torts, wrongs and issues of negligence. It is a vital piece of legislation.

It provides a building block to allow us to go on and implement the response that we expect to be provided by the expert group created by Australian health ministers. Every jurisdiction is participating in the development of detailed responses to medical indemnity insurance. Every jurisdiction in Australia, led by the Commonwealth, is developing a detailed response, through the Justice Ipp committee, to public liability insurance issues.

We expect to have the Marcia Neave report within a week, we expect to have the Justice Ipp report within three weeks and we need to be in a position to respond immediately. We have that detailed work here. This piece of legislation is vital. I am absolutely astounded that the Liberal Party do not care about the need for us to address the insurance crisis and that they do not care about the Canberra community. All I can say is: shame on you.

**MR STEFANIAK (11.59):** Mr Speaker, addressing the substantive point of this motion rather than going into the theatrics the Chief Minister is going into, there is a convention in this place in regard to bringing in legislation that the opposition be told. That is something that we stuck to and if we did not in our 6½ years of government, the then opposition quite rightly brought it to our attention.

That is the point. This bill has not been notified, as is normal, to the opposition. My office has not been contacted, and I do not think anyone else in the opposition has been—that is, as of 10.30 this morning. That is the convention. If it had occurred yesterday we would not have had a problem. One has to wonder, especially if the Chief Minister is ranting and raving about this, about the government's commitment.

The opposition, through Mr Smyth, announced in mid-July that it was preparing legislation. Mr Smyth indicated several days ago that he will be introducing two bills tomorrow in private members business. One has to wonder whether this is just the government responding to that rather than vice versa. To say that the opposition does not care about the substantive issue is absolute garbage; it has shown that by its actions. If this is simply the government trying to play petty politics and get a jump on what the opposition is doing, that does not help the substantive issue, which we take incredibly seriously.

I am pleased to see that the government has got a bill; I look forward to seeing it. There is nothing to stop the Chief Minister putting it in on Thursday, as is normal. If this bill is so important and so good, we should all see it. There is nothing to stop him giving members a copy before he even introduces it. That has occurred in the past as well.

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I have not yet heard anyone from the government say that this bill is urgent and will be debated this week. It is normal, if you introduce bills on Tuesday, to have them debated on Thursday. I have not even heard if it is envisaged that this bill will be debated the following week. I understand that it may be debated in the next sittings. In that case, one wonders at the absolute necessity for it to be brought on today rather than Thursday.

But I will hark back to the first point I made. It is a convention that, if a government wants to bring in a bill not in the normal course of events but bring it in early—on a Tuesday—it should at least have the decency to notify the other members of the Assembly. It has not done so in this case, and one has to wonder why. There might be some simple explanation, but one also has to wonder why the Chief Minister is seeking to bring it in now rather than on Thursday. I note again that my colleague Mr Smyth has foreshadowed bringing in bills in private members business and that maybe that has something to do with it.

I hope that, when we do have the debate on this important issue, we come up with good legislation because it is crucially important for our community. So many sporting and community groups have suffered. That is why the opposition has taken it seriously. I have had a few things to say about it myself. Mr Smyth has done some legislation. He has two bills on tomorrow, and I think he is working on some further ones as well. We take this issue very seriously.

It is not appropriate for the government to seek to bring it in now and the way they have gone about it. They have not indicated to the opposition that they intended to do so. Were they in our position, there would be no way in the world that they would agree to a suspension of standing orders.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (12.03): Quite obviously, I support the motion. I agree with some of the terminology that Mr Stefaniak has introduced to this debate—for example, “petty politics”. And Mr Stanhope has made some important points about whether we care about the community, whether we care about getting a decent result, whether we want to play petty politics and whether Mr Smyth tried to grandstand with a stunt out there with what was supposed to be a pony club but I think was a business. I am not sure.

But Mr Smyth has produced, if it is accepted at all, a dog’s breakfast and a dog’s breakfast that has been cobbled together outside the framework of the ministerial council meetings between the federal government and the state and territory governments to address the need for complementary legislation; the need for consistency; the need for federal legislation in relation to, say, changes to tax law to allow structured settlements; and the need for complementary legislation to work with the federal government’s changes to the Trade Practices Act to allow for waivers.

What we saw as a result of petty politicking on the part of the opposition was businesses having people sign waivers and giving people the impression that they could participate in an activity if they signed these waivers. Those waivers had no force whatsoever but, misled by Mr Smyth, and quite clearly with the support of his party, people were told that the Smyth line was going to solve things.

There have been a number of ministerial councils and, as Mr Stanhope has said, there are two committees examining the detail. What has been produced for Australia—and therefore for states and territories and the community organisations within those states and territories—is a set of legislation that makes things better and not worse. That is the process. Unfortunately, that process takes time, and we are seeing this cheap jack petty politicking and stupidity. I mean, it is stupidity.

Mr Stefaniak said that he was sure that, in their position, we would not agree to a suspension of standing orders. Not in our worst day would we puddle with the legislation that Mr Smyth is contemplating. It is totally inconsistent with what is happening across Australia and what is happening with the intergovernmental agreement, which is gaining the support of both the Neave committee and the Ipp committee in making sure that we do it properly. But no, Brendan Smyth knows better.

Plainly, what we have is one of the ultimate stupidities in my time in this place—seeing someone like Mr Smyth now saying, “I am going to rush through these bits of legislation because they will solve the problem.”

**Mrs Dunne** : Mr Speaker, on a point of order: if Mr Quinlan wants to make those points, he should wait and see whether Mr Smyth introduces legislation. Then he can debate those points. This is about whether or not we suspend standing orders. Can we stay on the substantive motion about the suspension of standing orders?

**MR SPEAKER**: I am sure Mr Quinlan is coming to that point.

**MR QUINLAN**: Mr Speaker, I was actually responding to elements in this debate that were introduced by Mr Stefaniak when he used the term “petty politics”. I did say that I agree with him that some elements in this house have descended into petty politics over this issue, an issue which is—I am sorry—bigger than you, Mr Smyth. Don’t mess with it. You are going to create bad situations where the Commonwealth, the states and the territories are working towards putting together complementary, uniform legislation wherever possible to solve the problem, not win some race to get legislation into this house.

**MR SPEAKER**: The member’s time has expired. So, too, has the time for this debate.

Question resolved in the affirmative.

**Mr Stanhope**, by leave, presented the bill and its explanatory memorandum.

Title read by Clerk.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (12.09): I move:

That this bill be agreed to in principle.

Mr Speaker, Australian insurers are in turmoil. Companies have disappeared or collapsed, products have been withdrawn or have increased in price. Every business, every community group and every family has been touched. Some have been hit hard.

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Explanations from Australian insurers have been unimpressive. The ACT has actively sought solutions, some of which have required legislation. I thank Assembly members for their support to date. Your support means we now have a fidelity alternative to building insurance. Stamp duty relief has been given to a range of insurance contracts, and terrorism coverage has been maintained in workers compensation legislation.

Today I am presenting a new bill, the Civil Law (Wrongs) Bill, and we are seeking to have it debated at an early stage, hopefully in September. The bill is the first of a three-stage series of ACT reforms. Stage 1, this bill, creates a framework for the existing law of civil torts. It is an essential building block for reform, both now and later this year. Stage 2 will be based on reforms coming from key national bodies. Those reforms will deal with the standard of care and limitation periods. Radical reform will come from open disclosure and long-term care models. Stage 3 will deal with the management of civil claims in our courts.

We have not sat on our hands and waited for answers to emerge from elsewhere. From day one, we have been in there working to find solutions. Together, these three stages will take us through the insurance crisis.

The Civil Law (Wrongs) Bill is about the law of civil wrongs. Civil law deals with the law of wrongs, property and contracts. Civil wrongs are acts and omissions that give rise to legal liability. But a civil wrong is not the same as a moral wrong. Simple deceit, while morally questionable, is not a civil wrong.

Much of our law of civil wrongs is and will remain uncodified common law. Much of this common law has its roots in ancient principles. These principles have evolved over millennia but, not surprisingly, the English common law has not always aged well over the past 800 years.

It has been said that the law has become a mix of exhausted principle and obscured pragmatism. In some respects, the attacks have been well founded. From time to time, legislators have had to step forward and initiate a process of change to ensure that the law serves the community. But this does not imply that the gradual judicial development of the law of civil wrongs is bad. I endorse the sentiments of Justice Gummow about this method. He described the underlying purpose of the judicial method as:

... developing the law, maintaining its continuity and preserving its coherence. Accepted means of effecting those purposes include (i) extending the application of accepted principles to new cases; (ii) reasoning from the more fundamental of settled legal principles to new conclusions; and (iii) subsuming unforeseen instances under a category which, in reason, is not closed against them.

The various statutory changes to the civil wrongs are presently disorganised and fragmented. The bill consolidates this body of law into a robust platform upon which new measures can be added, both now and later.

The bill is organised into a number of chapters. Chapter 2 contains a number of provisions that apply to wrongs generally. Firstly, the law protects good Samaritans. The parable of the good Samaritan is found in Luke, and bears repeating. An expert in the law asked Jesus, "And who is my neighbour?" I quote:

In reply Jesus said, "A man was going down from Jerusalem to Jericho, when he fell into the hands of robbers. They stripped him of his clothes, beat him and went away, leaving him half dead. A priest happened to be going down the same road, and when he saw the man, he passed by on the other side. So too, a Levite, when he came to the place and saw him, passed by on the other side. But a Samaritan, as he travelled, came where the man was; and when he saw him, he had compassion for him. He went to him and bandaged his wounds, pouring on oil and wine. Then he put the man on his own donkey, took him to an inn and took care of him. The next day he took out two silver coins and gave them to the innkeeper. 'Look after him' he said, 'and when I return, I will reimburse you for any extra expense you may have.'" "Which of these three do you think was a neighbour to the man who fell into the hands of robbers?" The expert in the law replied, "The one who showed compassion." And Jesus told him, "Go and do likewise."

Our civil law does not require the priest, the Levite or the Samaritan to assist a person. However, public policy recognises both the force of the moral compulsion under which the good Samaritan acted and the social value of the act. While our law does not punish the priest or the Levite for their lack of interest, public policy attributes no value to it.

Despite the value of the actions of the good Samaritan, modern law extends scant protection to that Samaritan's action. In modern times, the good Samaritan could be exposed to an action for damage caused by an adverse reaction to the wine, damage to clothing caused by oil stains, bruising caused by an insufficient or defective restraint device on the donkey, failure to provide sufficient lodgings and negligent misstatement. He may also run into problems with the law dealing with innkeepers.

The new provisions in this bill remedy this and affirm the social value of the many good Samaritans within our community, whether they render assistance on the road to Jericho or to Woden, or whether they assist at a roadside or give emergency medical assistance. Similarly, protection is also extended to those in our community who selflessly provide services to that community. A volunteer sports administrator who selflessly gives up spare time to provide opportunities for disadvantaged children to play sport should not find themselves sued for an accident.

The bill seeks to achieve a balance between the need to protect volunteers against personal liability and the interests of those who suffer injury, loss or damage. It provides that a volunteer incurs no personal liability for an act done or omission made in good faith and without recklessness in the course of carrying out community work for a community organisation. The liability instead attaches to the community organisation, which is in a better position through insurance or mutual products to meet the losses incurred by an injured person. The bill provides that directions may be given to community organisations about insurance.

The chapter consolidates a number of other statutory provisions that ameliorate the otherwise harsh operation of the common law. At common law, while a living plaintiff could recover for any injury sustained as a result of another's wrongful acts, that course of action dies with the plaintiff. In other words, a wrongdoer can benefit from the death of an injured person because the plaintiff's survivors cannot bring an action to recover for the fatal injuries. At common law, no person made liable in damages had any right of

contribution or indemnity against any other wrongdoer. The harsh operation of the common law has been relaxed in both cases.

Chapter 3 deals with liability for death or injury. The first part of the chapter deals with a wrongful act or neglect causing death. In the early 19th century, English civil law concluded that the death of a human being could not be complained of as an injury. Lord Campbell's act reversed this by far-reaching statutory reform in 1836; it provided compensation to the family of the deceased to prevent a family from falling into poverty. Since first being introduced, the legislation has been extended to cover a common law widow and then, more generally, a surviving de facto partner. It is as relevant today as it was when introduced 170 years ago. I call on members of this place to reaffirm and resist any erosion of the principles in this legislation.

The second part of the chapter deals with injury arising from mental or nervous shock. The common law originally provided no remedy for shock in the absence of bodily injury; mere sorrow or distress did not give rise to damages. These days an action for nervous shock can be successful. Even so, the amounts awarded are for less than for bodily injury.

The Law Reform (Miscellaneous Provisions) Act set out a statutory basis for the claim. As for the provisions dealing with fatal injuries, since first being introduced, the principle has been extended to cover a common law widow and then, more generally, a de facto partner.

Chapter 4 deals with damages and, in particular, the issue of contributory negligence. At common law, if harm was partially caused by a plaintiff's own contributory negligence, the plaintiff could not claim damages. The operation of the common law rule on contributory negligence has been relaxed for some time. This bill provides specific rules for courts in relation to contributory negligence when a plaintiff has engaged in particular types of conduct consistent with that position.

Firstly, it excludes the right of action for damages if the injured person's conduct contributed materially to the risk of injury and the injured person had been engaged in serious criminal activity. Exclusion does not apply when the criminal activity is causally irrelevant to the injury and to the negligence of the defendant. For example, liability would not be excluded if a plaintiff took a supermarket item intending to steal it but then at some later stage prior to exiting the checkout was injured by a falling display shelf.

The court retains discretion to award damages if the circumstances are exceptional and the principle would operate harshly and unjustly—for example, where the plaintiff is a child and a principle of common humanity might otherwise exist. The government supports the proposition that a person who sustains injury while committing a serious offence should bear their own losses.

Secondly, the bill establishes a presumption of contributory negligence where a person is injured while under the influence of alcohol or a drug, particularly in relation to motor vehicle accidents. The presumption that intoxication can contribute to an accident can be rebutted where the plaintiff establishes that the intoxication was not self-induced or had nothing to do with the accident. For example, an intoxicated passenger quietly sitting in

the rear seat of a car that is hit by another car that has travelled through a red light would have little difficulty in rebutting the presumption.

Thirdly, the bill establishes a presumption of contributory negligence by a person who chooses to rely on the skill and care of a person they know to be intoxicated.

Finally, the bill establishes a presumption of contributory negligence in the case of a person who does not adhere to specified safety rules, such as wearing a seatbelt, wearing a required helmet or being a passenger in or on a motor vehicle that has a passenger compartment and not being in the passenger compartment.

The chapter consolidates reforms that allow a court to award compensation for the loss of capacity to perform household or domestic services. The chapter also introduces an important platform that will be built on in the second stage of reforms.

At this stage, the legislation abolishes restrictions under the common law to award damages by way of annuity, more recently called a “structured settlement”. The annuity pays the injured party a set amount at regular intervals, either for life or up to a set date. Structured settlements provide an alternative to lump sum settlements as a means of personal injury compensation. Structured settlements provide for the periodic payment of damages throughout the life of an injured person, removing the uncertainty inherent in any assessment of an injured person’s life expectancy. It will reduce the possibility that the compensation awarded is mismanaged and lost to the plaintiff.

Finally, the chapter provides that a court could make a finding of liability on a claim for damages, independently of making an award for damages. Such a power may assist parties to resolve present issues of liability while waiting for injuries to stabilise before finally settling the matter.

Chapter 5 consolidates the defamation reforms passed by the Assembly in 2001 into the bill. This continues the process begun in the reforms of more closely orienting this area of law with the law of civil wrongs. Chapter 6 provides a modern restatement of the defence for an action for trespass to land. Chapter 7 provides a modern form of the old imperial law that ameliorated the strict liability placed on innkeepers and common carriers by the common law—hence my earlier reference to one of the issues that the Samaritan might face today. It does not at this stage codify the ancient and extensive law that otherwise applies to these businesses.

Chapter 8 provides a new statutory formulation of the existing law concerned with occupiers’ liability. It also consolidates the rules relating to damages caused by animals and in relation to accidental fires. Chapter 9 consolidates the existing law dealing with misrepresentation.

Chapter 10 imposes a number of limits on legal costs. ACT lawyers’ fees are highly regulated and subject to review by the courts. In addition to this, the bill limits legal costs in claims for \$100,000 or less: in such cases, the total costs for the plaintiff’s lawyers cannot exceed the greater of \$10,000 or 20 per cent. The government recognises that there is sometimes no nexus between the amount awarded and the costs of recovering the award. But, again, most cases will be completed for less than these figures. In the

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remaining cases, the court has discretion to increase this amount according to the complexity of a matter or the behaviour of a party to the claim.

The legislation also provides for cost penalties if an appropriate offer of compromise is made but rejected. The chapter also discourages a lawyer from proceeding to have a matter listed for hearing unless the lawyer reasonably believes, on the basis of provable facts and a reasonably arguable view of the law, that the claim or defence has reasonable prospects of success. In the exceptional case of it being in the interests of justice for a person to challenge an established common law rule, the court may make an order to allow a claim to continue, notwithstanding this provision.

Chapter 11 makes a number of important changes to the law. It introduces the new methodology of neutral evaluation as a way of ensuring the early settlement of disputes. The introduction of this process will need to be supplemented by administrative reform in the courts—for example, by ensuring that registrars are appropriately qualified. It also institutes comprehensive reporting requirements for insurers undertaking business in the ACT. Henceforth, insurers can consider themselves under supervision and on probation.

Finally, the law recites the abolition of certain common law actions, rules and remedies. Some of these, including cattle trespass and the unity of spouses, have been abolished for some time. We have now added to these abolished actions the civil torts of seduction, enticement and harbouring. The people of the territory have shown great sense in seeking remedies for these torts in forums outside the court system; now it is time to abolish them. I am not quite sure of the last time the tort in relation to seduction was utilised, but I think it has seen its day—although there will be some within the community who perhaps think otherwise.

This bill is a sensible framework of reform for the future. Within its pages are many sensible adjustments to the law of civil wrongs, both old and new. The reforms that will flow from this and future amendments will have a positive impact. I commend the bill to the Assembly.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

**Sitting suspended from 12.25 to 2.30 pm.**

## **Questions without notice**

### **Hospital waiting lists**

**MR HUMPHRIES:** My question is to the Minister for Health, Mr Stanhope. Minister, I note that there has been a fair amount of discussion recently on the subject of waiting lists for elective surgery in our public hospitals. I also note that in your election platform last year you stated, “Waiting lists for elective surgery are unacceptably long.” Can you tell the Assembly what the length of the waiting lists was at that point last year when you said that they were unacceptably long and what the length of the waiting lists was at 31 July this year?

**MR STANHOPE:** There were 4,054 people on the elective surgery waiting list at the end of July 2002. That was an increase on the number of people on the waiting list in July 2001, but it was less than the number of people on the waiting list in July 2000.

There are real fluctuations in waiting lists and waiting times. As I say, there were, I am advised, 4,054 people at the end of July 2002. I do not have the numbers here, but there has been an increase over the last 12 months and there was a decrease for July 2002 as opposed to July 2000.

There is a real issue in relation to waiting lists; there always has been and always will be. I guess that at one level you can always say, as I said in the comment that the Leader of the Opposition quoted, that the waiting lists were unacceptable. They are unacceptable now, particularly for the people on the waiting lists; there is no doubt about that. It is a matter of enormous frustration to anybody ever to have to wait an inordinate time, particularly when they are dealing with an issue that affects their quality of life, as do some of the issues for which some people wait considerable periods.

I might just say in terms of waiting times, which is always an interesting measure that we do need to take account of, that members would be interested to know that in June 2002 the average waiting time for category one was 14 days, the average waiting time for category two was 113 days and the average waiting time for category three was 192 days.

Just to put the debate around waiting times in some context, we do need to acknowledge—Mr Humphries would recall that he went to this issue in some of his questioning during the estimates process—that waiting times are but one measure of the performance of a health system and waiting times are amongst a number of priority issues that health departments, health systems and hospitals need to deal with. I do not know where one would prioritise waiting lists or elective surgery. The timely availability of elective surgery is but one of the priority issues that hospitals need to deal with. It is but one of the issues that do demand resourcing, along with a whole range of other priorities across the health system.

Among the other priorities we have sought to deal with are issues relating to disability services. I think it has been generally accepted by all of us as a consequence of the major work which Justice Gallop did, work that has been built on by the Disability Reform Group, that we as a community have underfunded disability services. It is as a consequence of that that in the budget which will be debated next week there is an additional \$2.5 million for disability services.

Another priority area that we have focused on—I saw confirmation of our actions on the front page of the *Canberra Times* today—is the view that we had that mental health services in the ACT had been drastically underfunded by previous governments. Members of the Liberal Party would be aware of the report on the front page of today's *Canberra Times* which revealed that on a per capita basis, on national averages, the ACT—

**Mr Humphries:** What does that have to do with waiting lists?

**MR STANHOPE:** It is quite relevant. It revealed that the Liberal Party underfunded mental health services in the ACT by 17.5 per cent compared with other jurisdictions. We are the bottom jurisdiction. We are the lowest funding jurisdiction in Australia for mental health services. We have addressed that. We have addressed it through the provision of \$1.2 million in additional funds for mental health services in our first

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budget, as a result of which we have lifted the per capita funding for mental health services from \$67 to \$93.

**Mr Humphries:** Mr Speaker, I am pleased to hear about all of that, but my question was actually about waiting lists.

**MR STANHOPE:** For the information of members, I am drawing attention to the fact that elective surgery is a priority, as are disability services, mental health services, oncology services, and acute care. There are a whole range of priorities within the health system and we have made decisions around them. We, as a government, provided funds for health in the budget process. We increased health funding by 13 per cent. We increased funding for our public hospitals by 12 per cent—a 12 per cent increase in funding for the Canberra hospitals. We provided an additional \$4.7 million to Calvary between the election and June. We provided an additional \$8.7 million to Canberra Hospital between the election and June and then we increased their funding in this budget by 12 per cent.

There is only so much money. There is no limitless supply; it is not a bottomless bucket. We provided an additional \$8.7 million for Canberra Hospital up till June. We provided an additional \$4.7 million to Calvary. In the budget we increased their funding by 12 per cent. These are most significant increases in health funding.

**Mr Smyth:** But everything is blowing out.

**MR STANHOPE:** It may be argued, as Mr Smyth has argued, that all of our funds, all of our initiatives, should have gone to elective surgery. That is Mr Smyth's argument.

**Mr Smyth:** No, you misrepresent me.

**MR STANHOPE:** Mr Smyth, as I understand it, has a four-pronged approach to elective surgery. Let's go through the prongs one by one.

**Mr Smyth:** Read it. It is a good approach.

**MR SPEAKER:** Order! Chief Minister, stick to the subject of the question asked by Mr Humphries. Mr Smyth, please hold yourself back from interjecting.

**MR STANHOPE:** We do need to go through the four prongs, Mr Speaker. Perhaps I can do so in response to another question. I can do so in response to any supplementary question.

**MR HUMPHRIES:** I have a supplementary question, Mr Speaker. Minister, you mentioned spending more money. What specifically is this government's strategy for reducing waiting lists, apart from just spending money in the health system?

**MR STANHOPE:** That was prong one of Mr Smyth's four-pronged approach; prong one was to spend more money. It is the height of hypocrisy and shows the absurdity of the claims that the opposition make in relation to this matter. We are castigated for throwing money at the hospitals and we are castigated for spending more on health, so Mr Smyth responds with a four-pronged approach. And what is prong one? Prong one is

to find another \$14 million and provide an additional \$14 million to the hospital, but he does not say where the \$14 million would come from.

**Mrs Dunne:** Yes, he does. He says exactly where it would come from.

**MR STANHOPE:** He does not say where it would come from.

**Mr Smyth:** Read further down.

**MR STANHOPE:** He actually says that he would apply to health the money that is to be applied to land development.

**Mr Smyth:** But you just said that I did not tell you where it would come from. You have contradicted yourself. Perhaps you should apologise.

**MR STANHOPE:** Take another look at the budget, Mr Smyth. There is no money in the budget for that, Mr Smyth; that is forgone revenue. It is forgone revenue, Mr Smyth. Those are not real dollars; they are dollars that are forgone. Mr Smyth, do you understand the difference between revenue and revenue forgone? You are spending forgone revenue on elective surgery. Prong one of Mr Smyth's four-pronged approach is about spending forgone revenue—the revenue forgone on land development—on elective surgery. Go and get your budget papers, Mr Smyth; you are embarrassed. We will do without that prong, prong one, about finding \$7 million of forgone revenue—a big search would be required for that—and spending it on elective surgery. I do not think I need to go through the other three prongs, but I would be happy to do so.

**MR SPEAKER:** Before I go to the next question, I welcome to our gallery for question time today a delegation from the Liaoning government and the Hunan government.

### **Crime statistics**

**MS GALLAGHER:** My question is to the minister for police, Mr Quinlan. The recent release of the end-of-year crime statistics pointed to a number of positive results for the ACT community. Can the minister outline to the Assembly some of these positive results?

**Mr Stefaniak:** Operation Anchorage was great.

**MR QUINLAN:** Mr Speaker, over the last decade we have had an increase in crime levels in the ACT. It is somewhat comforting that there was a decrease in 2000-01 and 2001-02. It is difficult to differentiate as to the cause in recent times. I heard Operation Anchorage mentioned across the room. I think that it did have an effect.

**Mr Humphries:** It had a big effect.

**MR QUINLAN:** Yes. There are pluses and minuses with a process like Operation Anchorage which pulls in every available resource for an all-out effort on crime detection and the clearing up of cases because it exhausts the force. I think that experience over time has shown that we see after such an operation a return to higher levels, but the levels still decreased over 2001-02. It has been claimed that some of that

may be attributable to the increased severity of bail laws and that there has been a probable respite because of that. Again, it is difficult to measure that.

One of the major characteristics of the last year or so has been the heroin drought. The word is that that drought may have broken. There is certainly need for concern and need for vigilance in relation to crime levels, particularly property crime. One of the lessons of Operation Anchorage was that by launching into a process which was called intelligence-based policing, which is a euphemism for saying targeted policing, the police actually did reduce the number of offences. At the same time, there has been an increase in sexual assaults and that remains of concern.

The other figure that I would like to advise the Assembly of is that there has been recorded in recent times an increase in the clear-up rate, which is important. It is also important that we do keep up police numbers. We saw police numbers fall away over the last year or so because of a hold-up with the settlement of the actual agreement with the AFP. We hope and trust that we will be able to keep up the numbers so that we will not have to go into an on again, off again process of having an Operation Anchorage, a rest period and then another Anchorage, but can actually use the lessons learned and use them consistently.

**MS GALLAGHER:** I have a supplementary question. Minister, you mentioned the worrying increase in sexual assaults. Can you inform the Assembly as to what advice you have received in relation to these offences and whether drink spiking is believed to be one of the reasons for the increase?

**MR QUINLAN:** Yes, in the figures recorded, there has been a disturbingly high increase in the rate of sexual assault. There is some suspicion that it is the result of a higher level of reporting, as opposed to instances, but I would say that, on the balance of probabilities, it is likely that there has been a substantial increase in the frequency of sexual assault.

In reaction to that, the police have addressed their practices to become more client focused and more friendly. The changes that have occurred include a memorandum of understanding with the Rape Crisis Centre and other support agencies, the design of the SACAT or sexual assault and child abuse team area, a uniform-free and non-threatening area, exposure of victims to police specialists trained in the area, and the training of all members to the maximum possible degree.

With sexual assault the concern is that something like 72 per cent of the offences are perpetrated by someone known to the victim. This is not the sort of crime that allows the police, in terms of detection and policing, to take preventive action. The action that can be taken is in education of the community and the encouragement of victims to report the crime. I can say that the sexual assault and child abuse team is growing in size, an obvious response to increasing demands. I hope that that is because it is a friendly face of the police force and therefore people are more encouraged. I do trust that the full increase in the number of recorded assaults is not actually representative of the total number of assaults but is, at least in part, due to a higher rate of reporting. I will be asking our police, within their crime prevention activities, to incorporate and focus at a higher level on education in this area. We will also look at continuing to ensure, in any way we can, that we have more sympathetic avenues for reporting.

Drink spiking is a crime that, quite clearly, is being perpetrated frequently and more often than is reported. I have had discussions with the AFP over encouraging people who may have been the victim of drink spiking and who do not want to report the offence because they feel, for some personal reason, unable to do so to report it through Crime Stoppers at least without identifying themselves as we would still have the capacity to build intelligence on the frequency, the places and the circumstances of the offences and we might be able to build a pattern and to react more strongly against it. That is a two-edged sword. If we encourage reporting to Crime Stoppers, we may discourage a few people who otherwise may have given full details. On balance, given the likely level of drink spiking not being reported, I think that we should embark on a campaign to encourage people affected by this crime, particularly in cities, to use Crime Stoppers and at least give us the information to help address and try to stem the process.

### **Hospital waiting lists**

**MR SMYTH:** My question is to the Minister for Health. Minister, in the lead-up to the election last year, you said that waiting lists were unacceptably long and that your crisis injection of \$6 million would provide services for, “say 1,300 inpatients and 2,500 accident and emergency patients”, with an extra 3,800 patients being seen. Given that the throughput outcome of your crisis injection was that only 300 extra patients were seen, what happened to the remaining 3,500? Why were they not attended to as promised?

**MR STANHOPE:** I would have to check those figures. I am not quite sure if that is how it works.

**Mr Smyth:** It is what you promised.

**MR STANHOPE:** Yes, but I did not promise to provide \$4.7 million to Calvary Hospital, which I did provide, and I think that Calvary Hospital, as a result of the injection—

**Mrs Dunne:** It is closing its elective surgery for 14 weeks.

**MR STANHOPE:** No, no, no. Go back to the question that was asked. I do not have the numbers here and I will have to check on it, but I think you will find that Calvary Hospital in the period June to June increased throughput by 18 per cent or something or other as a result of the injection of \$4.7 million which I made and the money was directed at elective surgery. I think you will find, indeed, that Canberra Hospital transferred a number of patients from its waiting list to the Calvary waiting list as a consequence of that. I do not have the numbers here, I do not have them with me, in terms of the exact performance of both Canberra and Calvary. But, in terms of the additional moneys which were provided to Canberra Hospital, moneys which we paid and which we did promise, as you rightly recall, we did introduce—

**Mr Smyth:** But you also promised an extra 3,800 services.

**MR STANHOPE:** I did not say that; I said “say”.

**Mr Smyth:** So it wasn't a real promise.

**MR STANHOPE:** You just mentioned the “say”. To some extent, it was by way of explanation of what that amount of money might produce when injected into the hospital. I think we all recall the extent to which you derided the payment of the money. One of the really interesting aspects of the attitude which the Liberal Party has taken to this issue and has taken in relation to this significant injection of additional funds into the Canberra Hospital is that you are now criticising it. You are now saying that it was not required, that it was not relevant, yet here we have in the four-pronged approach Mr Smyth promising another \$14 million, without saying exactly where it would be coming from, other than from revenue forgone.

It is really interesting that Mr Smyth stands up here now and criticises the injection of \$8.7 million into the Canberra Hospital, criticises an increase in the Canberra Hospital’s budget of 12 per cent, when his four-pronged approach to reducing waiting lists is to provide another \$14 million to the Canberra Hospital. What a nonsense. You have been hoist with your own petard there. You have no option but to say, “What would I do? I would scabble around and try to find some money. I am not prepared to say what I would cut in order to provide more money for elective surgery. I am not prepared to say that I would cut disability services. I am not prepared to say that I would go back to the Liberal Party’s failed policies on disability services. I am not saying that I would go back and reproduce the circumstances that led to the Gallop inquiry into disability services, with the damning findings that it came down with in relation to our stewardship. I would not go back to a situation which would mean that I would have to identify myself as the person who underfunded mental health by 17½ per cent against the second lowest jurisdiction in Australia. I would not do that.”

**Mr Humphries:** What will you do?

**MR STANHOPE:** I would not stand up and say, “When I was in government and Gary Humphries was minister for health, I was prepared to support elective surgery, but I underfunded mental health by 17.5 per cent less than the second lowest jurisdiction in Australia. That is what I cared about people with mental issues. I guaranteed when I was in government that they got 17.5 per cent less funding per head of population than the jurisdiction second worst off in Australia. I would not stand up and admit that that was what I did. I would not stand up and admit that when I was in government I funded disability services less than any other jurisdiction in Australia, to the point where I had to spend \$1.7 million on a commission of inquiry to explain how it was that I fumbled and stumbled for seven long years in government, to the point where I was rightly booted out of government because of my incompetence and lack of caring. I would not do that.”

**Mr Smyth:** Mr Speaker, I take a point of order. The question was quite clear. The commitment was made for extra services that involved seeing an additional 3,800 patients. Only 300 were seen. What will happen with the other 3,500?

**MR STANHOPE:** That was the situation after seven years of just disgraceful government. Just think what we might have been able to do with our elective surgery waiting lists if we had not wasted that \$80 million out there at the football stadium—\$80 million of waste, incompetence, neglect and broken laws. You had to break the law. Maybe that would be the fifth prong to the approach. It has just come to me, it has just dawned on me, that when they got into strife with the funding of Bruce Stadium—

*Opposition members interjecting—*

**MR SPEAKER:** Order! Members of the opposition, please hold yourselves back. Chief Minister, please wind up.

**MR STANHOPE:** I am winding up. You have reinvented the precedent that you established with Bruce Stadium. When you ran out of money, when you got into electoral strife, when you knew that you could not afford it, you spent it without appropriation. That is what you did. You breached the Financial Management Act, you breached the self-government act, you spent money that was not appropriated and here we have you doing it again. The \$7 million allocated to the land development program is revenue forgone. You are not prepared to appropriate it. You are pretending that it is money for use. What are you going to do? Are you going to break the law again?

**Mr Smyth:** I take a point of order, Mr Speaker. The minister keeps reiterating it is revenue forgone, yet the *Hansard* for the estimates process says, “Yes, that’s right, the cash is in there.” There is cash according to the minister himself.

**MR SPEAKER:** Order! Mr Smyth, resume your seat.

### **Hospital waiting lists**

**MRS CROSS:** My question is to Mr Stanhope in his capacity as Minister for Health. Mr Stanhope, during Estimates Committee hearings you told the committee that the waiting list was “perhaps the lowest it’s been for some years”. Your departmental head, Dr Gregory, backed you up to a certain extent, saying, “It might not be the lowest end of month figure, but it has been cycling down for the last little while.” However, as we all know now, waiting lists are at the highest they have been for two years at 4,050 and are set to go up. Can you please inform members whether you are now able to differentiate between up and down?

**MR STANHOPE:** The fortunes of this government are on the increase and the fortunes of your rabble are in serious decline and I think that they will stay that way for some time to come. I just made the point, and I will repeat it, that waiting lists as at the end of July are less than they were in your heyday two years ago, just two years ago. Despite the increase in population and despite the increase in throughput, the waiting lists were lower in July this year than they were in July 2000 and the waiting list figure is trending down. Have a look at the position for the last five years. It has been trending down significantly.

**MR SPEAKER:** Do you have a supplementary question, Mrs Cross?

**MRS CROSS:** Yes, thank you, Mr Speaker. Minister, when did you first become aware that 4,050 Canberrans are now waiting for elective surgery?

**MR STANHOPE:** I am not sure, Mrs Cross. I do not keep that fine detail in my mind. I keep a lot of detail there, but not that fine detail.

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**Mrs Cross:** I rise on a point of order, Mr Speaker. Would the Chief Minister like to get back to me with an answer to that, rather than writing it off?

**MR SPEAKER:** It is up to the Chief Minister.

**Mr Humphries:** Mr Speaker, I rise on a point of order. It is the convention in this place, if a minister rises and says that he cannot answer a question, to take it on notice. We can move a motion that asks the minister to take it on notice. I think it is a simple courtesy of this place that that be the case. If he does not know, he should take the question on notice.

**MR SPEAKER:** As I said, Mr Humphries, it is up to the minister.

**MR STANHOPE:** If there is an answer to the question, I will take the question on notice. I was asked to say when I first became aware that the waiting list was 4,050.

**Mrs Cross:** You said that you did not remember. When you recollect, maybe you will get back to me.

**MR STANHOPE:** That is an absolutely absurd question. I am not answering questions on when—which minute of which day of the month—I discovered that there were 4,050 people on the waiting list. I am not answering that question. It is an absurd, puerile, nonsensical, laughable question.

### **Proposed Gungahlin boarding house**

**MS MacDONALD:** My question is to the minister for housing. Minister, what do you have to say in response to the opposition's claim that there has been a lack of consultation with the Gungahlin Community Council and the Gungahlin Equality Party over the proposed Gungahlin boarding house?

**Mr Cornwell:** I rise on a point of order, Mr Speaker. I think that the question calls for an expression of opinion in asking the minister what he has to say. I refer to standing order 117 (c) (i). It may be easier to rephrase the question but I am not particularly interested in Mr Wood expressing what he has to say about it.

**Mr Smyth:** Who is writing your questions?

**Mrs Dunne:** We can lend you our dorothy dix writers, if you like.

**MR SPEAKER:** Order! Do you want to have a bit of a chookhouse fight here? Come on, just settle down for a minute. Mr Cornwell, the question easily could have commenced, "How do you respond?" "What do you have to say" means the same to me and I am prepared to allow the question.

**MR WOOD:** I have noticed a number of claims in various sources by someone on the other side of the chamber about there being a lack of consultation, but I do not think that the claims are supported by the facts. There has been consultation. Might I say that since the day that this fine proposal was initiated by the former government there has been

consultation. Let me spell it out. Mr Cornwell, to satisfy you, I can give you lots of details.

The board of the Gungahlin Development Authority, of which the president of the Gungahlin Community Council is a member, provided a greenfields site adjacent to the town centre for those 20 one-bedroom units, worth over \$2 million. The decision to provide the site was made at the August 2001 meeting of the authority, a meeting at which the president of the Gungahlin Community Council, Mr Ruecroft, was present, so one presumes he was well aware of it.

I am advised that the board of the authority has been updated on the project at each subsequent meeting. The project was highlighted on the display board of the Gungahlin Development Authority in the Gungahlin Marketplace. The display, I am told, was in place for approximately three months early this year, so that consultation has been continuing on the last two points that I made. The boarding house project is an excellent project which was commenced by the previous government and which we are very happy to continue.

It responds to broader consultation by listening to the poverty task force, the youth housing task force and the Legislative Assembly Health and Community Care Committee inquiry into elder abuse that highlighted the lack of medium to long-term boarding-style accommodation. There has been extensive consultation with groups beyond Gungahlin but also, of course, open to anybody from that sector, including ACTCOSS, ACT Shelter, CCHOACT, Mental Health Consumer Network and providers of community housing in determining the functional requirements of the building.

The Gungahlin Regional Community Service, a local body, has been part of the consultations and their valuable contribution will continue. Indeed, a briefing on the project for community agencies—I should think the Queanbeyan council would be one of those—was provided at the offices of the Gungahlin Regional Community Service three weeks ago.

The brief has been expressed now as an initial design which complies in every aspect with the development conditions of the Gungahlin Development Authority. The architect tender advertised in the *Canberra Times* of 3 August is to continue the design work in further consultation with the community and in compliance with building codes and the like. As the project is not due for completion for another year, any concerns held by the community council and anybody else about parking and other issues can be considered through the consultations in this next phase of development. The executive of the community council was briefed on the project two weeks ago and the project was generally well-received. I think that there has been a pretty good outcome all the way through in the way of consultation.

**MS MacDONALD:** Minister, I note that you mentioned consultation with the Mental Health Consumer Network. What were the outcomes of the consultation?

**MR WOOD:** Mr Speaker, that is relevant in terms of what Mr Stanhope has just been saying and what is on the front page of the *Canberra Times* this morning. I can tell you that the discussions have been fruitful and we will start to address the issue of a lack of boarding houses for people with a mental illness. In response to community need for

integrated accommodation for people with mental illness, four units in the facility that we have been talking about will be reserved for people with mental health conditions who have relatively low support needs. Those units will be owned by the ACT government and run as a community housing project, with management being tendered to one of our community organisations.

### **Hospital waiting lists**

**MRS DUNNE:** Mr Speaker, my question is to the Minister for Health. In the lead-up to the election, Minister, you said that the hospital needs an extra 7 per cent of growth to cope with increasing demand. We have seen today that there is increasing demand on waiting lists, going up by nearly 400 over the last year. In estimates, your officials said that the growth funding required was 2½ per cent. You told the Estimates Committee that you would check your sources to see which figure was correct. After three weeks, the Estimates Committee having been dissolved, you have not got back to us, so have you checked and can you enlighten members on which figure is correct, a 7 per cent growth or a 2½ per cent growth?

**MR STANHOPE:** I am more than happy to look at the transcript of the Estimates Committee to see what the discussion was, Mrs Dunne. I have to say that at this minute I do not recall the conversation—

**Mrs Dunne:** Three weeks ago.

**MR STANHOPE:** When the Liberal Party starts mouthing numbers at me, the first thing I do is check them. I am not taking as gospel anything you say about anything. If you say something to me, it is more than likely not to be true. We have got Brendan Smyth spending \$7 million worth of forgone revenue. Brendan Smyth's answer to the waiting time lists is to spend money that does not exist.

**Mr Smyth:** I take a point of order, Mr Speaker. Yet again, the Chief Minister says something that is not true. I have another quote here from the estimates. It says, "I think the approximate figure is about \$7 million for that development." I quote back to him his own answer.

**MR SPEAKER:** That is not a point of order, Mr Smyth.

**MR STANHOPE:** Of course I am more than happy to look at the transcript and of course I am more than happy to take the question on notice, Mr Speaker.

**MRS DUNNE:** At least he was brief in not answering the question, Mr Speaker. I do have a supplementary question. Minister, do you admit that your election policy was poorly advised and contained glaring inaccuracies which you now want to cover up and that, in doing so, you have misled the people of the ACT, or that your officials were unaware of the true state of growth of the ACT hospitals?

**MR STANHOPE:** I certainly do not admit that our election documents were poorly prepared. They had quite a devastating effect. They produced a 16 per cent swing against the Liberal Party. But, then again, you did do most of that to yourselves, as I reflect on it. You did do most of that to yourselves just through your sheer incompetence and the fact

that you completely alienated the community, as you continue to do. I cannot claim all the credit for the 16 per cent. If we want to get into numbers, we can talk about the efficacy, the effect or the impact of the Labor Party's election document. It was an excellent document which went to the heart of issues of major concern to the people of Canberra, namely, the state of health, education, planning and the other things that are really important to the people of Canberra.

We recognised that in our health election document and it is something that I am happy to talk about, so I am happy that you keep asking me about it. I am happy that you have asked me about the promises we made in the election campaign in relation to health, because what we promised to do was to address the issues of real concern to the people of Canberra. We promised to identify and to genuinely seek to address all those areas of unmet need—issues around disability services, issues around mental health, issues around the lack of respite care, issues around things that go to the quality of life of the people of Canberra.

They were the promises that we made and they are the promises that we have delivered on. We have delivered significantly in relation to disability services—\$10 million over the next four years. We have delivered significantly in relation to mental health—more than \$4 million over the next four years. We have delivered on respite care—more than \$3 million over the term. We are building a convalescent facility. We cannot put all the money into elective surgery and increase funding for mental health, disability services, respite, convalescent care and in our response to substance abuse. We cannot do all those things and pour money into the waiting list for elective surgery as there is not enough money to go round.

We are proposing a number of revenue measures. We bit the bullet, we took the hard decisions and we went to the priorities, and that is what we said in our election document we would do. We have kept our promises and we have kept them quite clearly. We have done what the people of Canberra wanted us to do and what we were elected to do. The fact is that you believe that elective surgery should remain on a pedestal by itself and the other pressing needs in relation to mental health, disability services, respite and all of those other issues that go to the capacity of some people simply to live seem to be irrelevant to you.

We took a hard decision and I will stand by it, that is, we identified a range of other priorities in addition to the one and only issue that you are concerned about, namely, elective surgery. I will live by it. The waiting list is currently at 4,000 and it is almost certainly going to increase. That is a decision we have taken. That is a decision, that is a position and that is a situation that I am happy to bear responsibility for.

### **Community advocacy groups—rationalisation**

**MS TUCKER:** Mr Speaker, I am not sure whether my question is to Jon Stanhope as Minister for Health or Bill Wood as there is overlapping. Perhaps you can decide who should respond. It is in regard to page 40 of the recent Reid report on health, which reads:

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Finally it became apparent during the review that there are a plethora of both community advocacy groups and “watchdog” agencies with responsibilities for some aspects of the public/private NGO health sector.

Recommendation 26 of that report states:

Some rationalisation of the community advocacy and watchdog agencies is warranted.

The Gallop inquiry also made recommendations about complaints mechanisms. I am interested to know, in that context, whether the government is taking action to review these groups or agencies and, if there is one review or there are two, could we have details on that?

**MR STANHOPE:** Yes, we are responding to those recommendations. My colleague Mr Wood is better able to respond directly today.

**MR WOOD:** Yes, there will be a response as part of a very comprehensive response to the whole issue of disability services. You are correct in saying that various recommendations commented on the range of advocacy groups and support mechanisms. The Chief Minister has said that that will be attended to. I have had some broad preliminary discussions with officers—nothing of any detail or depth at this stage—about that, acknowledging that it will occur. As to the exact timetable, that will be part of more detail to come out soon enough, I would think. My memory tells me that I signed off yesterday or even today a letter to you touching on that subject, but it does not contain dates by which I can say actions will be taken because those timetables are not yet determined.

**MR SPEAKER:** Do you have a supplementary question, Ms Tucker.

**MS TUCKER:** Yes, I have two questions, but I think that only one is in order. I am interested to know how the community will be involved in the development of the terms of reference, how broadly you will be looking in the development of the terms of reference for such a review, and how it will fit in with the work of the Disability Reform Group.

**MR WOOD:** I would think so. The DRG would be a part of that process and would have a very significant role in it. I do not want to take any role from them. I expect that would be the primary source of consultation with the community. Certainly, that whole process arising from the Gallop inquiry has been one very broadly attending to what the community is saying. I will talk more to you about it and make sure that your concerns are accommodated in the specifics that you mention.

### **Hospital waiting lists**

**MR STEFANIAK:** My question is to the Chief Minister in his capacity as Minister for Health. Minister, in the lead-up to the last election, in a document entitled “ACT Labor Priorities—Health Care Fact Sheet 3—Labor’s Plan to Rebuild ACT Health”, you said:

ACT Labor believes we can do better. And Labor believes we can get better value for our health care dollar.

Minister, I acknowledge the increase in health expenditure by your government, but how is it that waiting lists have blown out, you have cut outpatient services, announced the closure of two aged care respite services and rationed accident and emergency services? Mr Speaker, I seek leave to table a document showing the combined hospital waiting lists for Calvary Hospital and Canberra Hospital for the years July 2000 through to July 2002.

Leave granted.

**MR STEFANIAK:**

Combined Hospital Waiting Lists—TCH and Calvary—Copy of chart for the period July 2000 to July 2002.

**MR STANHOPE:** We can all do better, Mr Stefaniak. Certainly, we are attempting to do that. Of course, it was not particularly hard to improve on what you left us with, the complete and utter shambles. As we have seen from the front page of today's *Canberra Times*, the ACT is 17.5 per cent less than the second lowest state in Australia for mental health funding. Goodness me!

**Mr Smyth:** Outcomes, Jon, outcomes. Were we doing it better?

**MR STANHOPE:** Mr Smyth interjects, "But look at the outcomes." Shall we go through a few of the outcomes?

**Mr Quinlan:** No, don't go there.

**MR STANHOPE:** No, we will not go there. Gee, how callous and callow was that? Under the Liberals we were 17.5 per cent less than the second lowest jurisdiction in Australia for mental health funding. After the \$1.7 million Gallop inquiry, an enormous—

**Mr Humphries:** Mr Speaker, I rise on a point of order. I have to take up the standing orders once again. Every question today from this side of the chamber has been about waiting lists and every answer has been about disability services and mental health.

**Mr Quinlan:** It has been the same question.

**Mr Humphries:** If it is about the same general question, we should have the same answer. It should be about the same question. Mr Speaker, there is a standing order about relevance and I would ask that you enforce that rule. Continuously talking about mental health and disability services is not relevant to questions about waiting lists.

**MR SPEAKER:** I am sure that the Health Minister is coming to the point, but if you ask questions about performance in health on a defined issue, surely you must expect the relevant minister to be entitled to talk about the broader picture.

**Mr Humphries:** Not for the whole answer.

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**MR SPEAKER:** Anyway, I am sure that Mr Stanhope is coming to the point.

**MR STANHOPE:** Actually, I think what I need to do is to release after question time the figures over the last five years for the waiting lists at both Canberra and Calvary. We will see a significant trending down has occurred over the last few years in the waiting list. Even now, just from some figures that are available to me, at the Canberra Hospital there has been a significant downwards trend and the situation flattened out in July 2002 quite significantly from what it was, say, just two, 2½ or three years ago.

Let's go through the exercise of looking at the waiting list numbers. If we look at the waiting list numbers in July 1998, the waiting list numbers in July 1999 and the waiting list numbers in July 2000, we will find that the waiting list numbers now are lower than they were in July 1998, lower than they were in July 1999 and lower than they were in July 2000. That is what we will find. I am not quite sure what it proves. I have explained the government's approach to health funding. I have explained that this government is prepared to genuinely fund health services in the territory, to the tune of \$462 million in this budget, a 13 per cent increase over what you were prepared to provide, budget to budget. That is what we have done.

Just think about that, just reflect on that, and let's go round Australia and look at which government has increased health funding by 13 per cent budget to budget and when. Actually, we might go to that tomorrow; we might go to the last time a 13 per cent increase in health funding, budget to budget, was achieved by a government in its first budget. I have not looked at that, but let's have a look at it. We might go to exactly what you did with waiting lists when you were in government. I am happy to do that. I am also happy to stand by this government's spending commitments on health. I am happy to stand by the issues that we deem to be priorities, the fact that we sunk significant amounts of money into additional services for people with cancer, significant amounts.

**Mr Stefaniak:** What has been achieved?

**MR STANHOPE:** Mr Stefaniak asks what it has achieved that we have put millions and millions of dollars into that. Do you want to ask that again, Bill? Do you want me to go public on Bill Stefaniak asking about what is the significance of putting millions of dollars more into oncology services?

**Mr Stefaniak:** What has it done? What have we spent it on? Where is the improvement?

**MR STANHOPE:** We might talk about that, Bill. Bill Stefaniak wants to know why we spent more money on oncology services. Bill Stefaniak wants to know what difference it made that we spent millions of dollars on oncology services. Is that what you want to know, Mr Stefaniak?

*Opposition members interjecting—*

**MR SPEAKER:** Order! Come on, settle down! This is just getting to the point of being ridiculous. Wind up, please, Chief Minister.

**MR STANHOPE:** I stand by the spending priorities that are reflected in our budget. I stand by the fact that we have put millions of dollars more into health spending in this territory than you were ever prepared to do, the fact that we have increased health expenditure by 13 per cent, that we have devoted \$462 million to health expenditure, that we have made the most significant injection ever into disability services, \$2½ million a year over four years, \$10 million more for people with a disability.

**MR SPEAKER:** Thank you, Chief Minister. Resume your seat.

**MR STEFANIAK:** Mr Speaker, I have a supplementary question. Minister, can you explain exactly how we are getting better value for our health care dollar?

**MR STANHOPE:** I think that you had better get in touch with a bit of reality, actually. I think that you had better get out there and take a look at the unmet need in the community. It is absolutely appalling to me that we find today the Liberal Party standing up and questioning the expenditure of money on disability services and on mental health.

**Mr Humphries:** We are not questioning that.

**MR STANHOPE:** You have in all of your interjections today. You are questioning why we are bothering to waste money on people with disabilities. You are questioning why we are bothering to waste money on people with mental illness.

**Mr Smyth:** I take a point of order, Mr Speaker.

**MR SPEAKER:** Resume your seat, Chief Minister. Mr Smyth, it had better be a good one.

**Mr Smyth:** The supplementary question was quite clear. It was about how we are getting better value for our health care dollar, not that we are spending more. He promised—

**MR SPEAKER:** What is your point of order, Mr Smyth?

**Mr Smyth:** The point of order is that he is not answering the question.

**Mr Humphries:** That is right, and it is not relevant to the question that was asked.

**MR SPEAKER:** Be relevant.

**MR STANHOPE:** Mr Speaker, I will bring back tomorrow for all members details of all the programs that will be funded in the health portfolio and I will ask the members of the Liberal Party to express their views on why it is that they think we should not be spending the money that we are spending on people with mental illness, with disabilities or with cancer, which is what they are saying.

## **V8 supercar race—termination of contract**

**MS DUNDAS:** I have a question also about the estimates, but it is for the minister for tourism, not the Minister for Health. Minister, you appeared before the Estimates Committee on Thursday, 18 July and answered questions about when decisions would be made on the V8 race by saying, “Fairly soon.” In fact, when clarification was sought you agreed that “fairly soon” meant within a month. An announcement then hit the streets on that Friday that the V8 supercar race had been cancelled. Minister, can you please inform the Assembly of the date on which the decision was made to terminate the V8 supercar race contract?

**MR QUINLAN:** I cannot recall the exact date, but suffice it to say in answer to your question that that decision was pretty well taken before 18 July. I think you would have to accept that the government does have a prerogative to make announcements like that when the appropriate people have been advised and, in fact, within its own timing, let’s face it. So it is part of the decision process. I concede that I probably should have been more detailed in my response to the Estimates Committee, but I thought we were just playing a game at that stage—“When will you be saying it?” “Soon.” “How soon?” “How big is a bread box?”

If the import of the question is whether I feel that I should have advised the Estimates Committee on the day before we intended to make a public announcement in which we could explain the full picture and we could make sure that all of the parties were advised, I think that I behaved entirely appropriately. Let me also advise you that the final terms of the press release which was agreed to and accepted by AVESCO were arrived at about 10 minutes before our press conference—

**Mr Smyth:** But that was not when you made the decision, though. It is about your decision, not AVESCO’s decision.

**MR QUINLAN:** The decision generally made, with the decision to be confirmed because, I will tell you this much, there was still on foot as I sat in estimates the process of negotiation as to what it would cost us to back out of the contract. In fact, we were negotiating with the parties in terms of finalising it to the point where it was and ought to have been announced, right up to the very minute of the press conference. Certainly, in the time that I was in estimates being asked about it, there were still negotiations going on. The government had decided at that stage that it was in the process of negotiating its way out of it but, in terms of whether it was a black and white, totally absolute decision, no, and that decision was not absolute, in fact, until we told AVESCO, “We are not talking to you any more. We are going to the press conference and we cannot wait.”

**MR SPEAKER:** Do you have a supplementary question, Ms Dundas?

**MS DUNDAS:** Yes, thank you, Mr Speaker. Minister, in an attempt to salvage some openness and accountability from this whole process, can you please inform the Assembly how long we will have to wait for a decision or some information on how the money that was targeted to be spent on the V8 race will now be expended?

**MR QUINLAN:** First of all, I do not think it was necessary to use the words “in an attempt to salvage some” in the preamble to the question. You should appreciate that a government needs to be in a position to say when it will make an announcement because there are more things hanging off the decision than simply when it happened. There are people to be advised and there were negotiations going on. If the question is based on that premise, then it really does not deserve answering. In the general context, the intent is that the additional funds allocated to CTEC will be spent in some manner or form with a view to targeting increased tourism. I do not want to be more specific than that because those decisions have not been made. I will announce them when they are made; later than now.

### **Deakin shops**

**MR CORNWELL:** Mr Speaker, my question is to the Minister for Urban Services, Mr Wood. I refer to the cancellation of the planned refurbishment of the Deakin shops. Despite the expenditure of, I understand, \$100,000 on a management study, a forward design study and a traffic planning study and despite the commitments made by the previous government, this government has seen fit to divert funds from its current budget, except to the extent of filling in a few pot holes around there in Deakin. Minister, can you explain to me and the people of this suburb where the money was diverted to and can you explain why you knew nothing about the previous plans when you met some Deakin traders?

**MR WOOD:** To where was the money diverted? I am not sure that the money was diverted. It was not allocated. Mr Smyth has said that there were assurances from his government that something would be done. Did Mr Smyth ever actually say that it definitely would be in the program for 2002-03? I am not sure that that is the way the capital works program works. The way I understand that program is that it is up for grabs every year.

The money was not diverted, Mr Cornwell. It just was not allocated to the project. It did not get high enough on the list. It is a project that does need to be done—there is no doubt about that—but I am sure that you understand the processes here in that there is a cut-off point and sometimes you are above it and sometimes you are below it. In this case, such funding just was not high enough on the list.

Secondly, about not knowing anything about it, I had briefings from officers before those people came to the meeting with me, Mr Cornwell. I do say that I was not aware of it last year and I was not aware of it the year before last because it had not been a part of my focus, but I understood the circumstances in fairly broad terms, I suppose, ahead of that meeting with the traders, who were a good bunch of people.

**MR CORNWELL:** I have a supplementary question. Minister, now that you are aware of these concerns, I would therefore ask: what do you intend to do about the concerns held by not only the traders, whom you have said are a good bunch of people, but also the residents of this good, essentially Liberal-voting, suburb? What do you plan to do to allay the fears of many of the people of this suburb, an ageing suburb with, therefore, many elderly residents who are properly concerned about the condition of the Deakin shopping centre?

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**MR WOOD:** I am going to win them over; that is what I am going to do. I will not concede that it is a good Liberal-voting suburb. By the way, Mr Cornwell, it is a shopping centre that I happen to visit fairly often. I find it a convenient and good spot to stop for a variety of purposes, so I know it fairly well. What am I going to do? Next year when we are preparing the budget and are looking at the capital works program, I will look at the list of shopping centres to be refurbished, take advice from officers and make a decision on which shopping centres should get the nod.

### **ACT Housing—fire safety**

**MR HARGREAVES:** Mr Speaker, I would like to ask a question of Mr Wood, the best Minister for Urban Services in the last seven years. Minister, what is the government doing to upgrade the fire safety standards in ACT Housing's large flat complexes?

**MR WOOD:** Mr Speaker, this question is pretty relevant today, bearing in mind that there was a fire in a boarding house establishment in Brisbane in the last day or so, with tragic consequences. From time to time, as other housing ministers would have had drawn to their attention—we do get all these things drawn to our attention, Mr Cornwell—there have been fires in some of our complexes, too, and action has been taken over a period.

The problem for us is that the majority of the large flat complexes were built before 1962, at a time when buildings were exempt from any form of regulatory control, although the policy of the time was that they should comply with the standards of the time. The requirements of the current version of the building code of Australia are much more stringent, properly so, in the areas of fire safety than those standards of 40 years ago.

There is no obligation under the Building Act for owners, either government or private, to upgrade their properties to comply with the building code as it has been amended over time. Despite that, ACT Housing has carried out fire safety audits on most of the large multiunit sites and is developing an action plan for upgrading work to allow for certification of the properties as meeting recognised contemporary standards of fire safety. To do so, as I announced earlier, we will be spending \$16 million over three years on this program, a very substantial commitment to protect our tenants and one that should have been receiving money over a much longer period. I am also the best housing minister, Mr Hargreaves.

**Ms Dunne:** And modest, too.

**MR WOOD:** And modest.

**Mr Cornwell:** Never mind the smokescreen; what about the smoke detectors?

**MR WOOD:** I will come to that, too, Mr Cornwell. This \$16 million expenditure will be undertaken in the context of what I have established as an integrated asset management strategy for the entire portfolio. The sorts of things that will happen involve improved warning systems, emergency exit signage and lighting, fire rating of doors—one of the first things done was the replacing of doors with fireproof doors—the replacement of switchboards and wiring, and improvements to hydrants and hose reels. The works,

I stress, are precautionary and are not an acknowledgment that there is any immediate danger for tenants. I think it is worth pointing out that a couple of the fires I have seen reported in the last couple of years tended to be contained to the units concerned, which was great, and not spread through the building.

In terms of what you want to know, Mr Cornwell, the government is continuing a program that began in May 2001, and I give credit for that, to install hardwired smoke alarms in all properties. That is now 80 per cent complete. I do not need to spell out the advantage of having hardwired alarms. Appropriate alternative alarms are provided for hearing impaired tenants. They will require annual testing, which will be done, and we expect that program to be substantially complete by the end of September this year.

### **Education—religious study**

**MR PRATT:** Mr Speaker, my question is to the minister for education. Minister, in the draft exposure education bill tabled recently you floated the concept of removing religious study from the daily school routine. You have proposed relegating spiritual instruction to the second-best division, a clear message to the community of the contempt with which you hold religious and spiritual activity in schools. As we saw, there was a totally justified uproar within the community attacking your stated intentions. Minister, why did you eventually do a backflip? Did you realise that your ideologically-driven ideas or perhaps your socialist left colleagues had put you seriously at odds with the very serious business of running our school system? Minister, for God's sake, what the devil got into you?

**MR CORBELL:** Mr Pratt has too much time on his hands, Mr Speaker. The government is always serious in responding to community comment. The government is not going to simply stand by and ignore comments when they are forthcoming. In relation to the exposure draft of the new education bill, clearly there was a very strong view, and I should stress both ways, on the provisions proposed in that bill in relation to religious education. Certainly, there were very strong views expressed by people with strong support for religious education in schools during school hours, during normal class time. Equally, my office received many comments from people who felt very strongly that the proposal was the appropriate one.

What concerned me, and the reason that I took the decision I took, was the very inflammatory and very sectarian approach adopted by Mr Pratt. He deliberately inflamed the provision in such a way as to suggest that we were seeking to ban God. Far be it from me to seek to ban God. I have a very strong respect for anyone who holds any particular religious belief or philosophical belief. I respect their right to do so. But I also respect the right of public education to be secular and to cater for everyone in our community, regardless of their religious or philosophical belief. That was what the government was seeking to do through its bill.

We will continue to seek to do that, Mr Speaker. In the interests of ensuring that there is not an inflammatory debate on this matter, which I do not believe would be in anyone's interests, the government took the view that it would indicate that it would not be proceeding with those provisions, but instead would speak further with all interested parties as part of the exposure bill process.

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**MR PRATT:** I have a supplementary question. Minister, was that a temporary backflip or can you guarantee that you will not revisit the idea of removing religious education and practice from government schools?

**MR CORBELL:** The premise of Mr Pratt's question is incorrect because the government has never proposed the removal of religious instruction, as opposed to religious education, from government schools. Indeed, religious education is already a part of the normal curriculum. That, I think, highlights Mr Pratt's misunderstanding of the issue. General religious education occurs as a matter of course where students are taught about the broad variety of religious faiths and philosophical beliefs in the world today. Religious instruction is instruction provided by a person who is duly authorised to provide that instruction by that particular faith and religion.

The proposal as outlined in the exposure draft when it was released was that religious instruction should occur in schools, parents had a right to request that it occur in schools and schools had an obligation to provide it, but it should not be provided during normal school hours, during the time devoted to the normal curriculum that everyone is entitled to receive. The government has withdrawn those provisions and has indicated that it will not reintroduce those provisions, but it will speak with stakeholders, both people who firmly believe in the former provisions and those who are firmly opposed to them, and will work towards a sensible way forward.

**Mr Stanhope:** I ask that further questions be placed on the notice paper, Mr Speaker.

### **Mugga Lane tip—operation of facilities**

**MR WOOD:** On 26 June Ms Dundas asked about the new shed at Mugga Lane landfill. She wanted the government to undertake to directly negotiate an affordable lease agreement with Revolve, no doubt bearing in mind a bit of a dispute there. I advise as follows.

In February 2001 Thiess was awarded the contract for operations at Mugga and the construction of the small vehicle transfer station, including improved facilities. The contract requires Thiess to manage the reusable centre under subcontract. The intent—the word is “intent”—of the territory's agreement with Revolve and Thiess was for Revolve to continue to operate the reusable facility at Mugga Lane landfill as a subcontractor.

However, during construction of the facilities, the working relationship between the two organisations became strained. ACT Nowaste has spent considerable time negotiating with both Thiess and Revolve in an attempt to facilitate an agreement between the two parties. An approach has been made to Peter Bird, chair of the Revolve board, and he is becoming involved, I understand.

Thiess and Revolve are still negotiating in an attempt to formalise a long-term agreement. I say this with some caution, Ms Dundas. It is anticipated that an agreement will be reached shortly. I know I've said that before. There has been advice that we thought an agreement was about to be signed, but it does go on. So I do not want to be specific about this. I do not know when an agreement will be signed or whether in the

last day or so one has been. Whilst a final agreement apparently has not been executed, I believe some progress has been made, and we look for a resolution.

### **Land release**

**MR CORBELL:** On 26 June this year Mrs Dunne asked for a schedule of all blocks released by the government in its land release program this year. For the information of members, I table a schedule of all blocks released by the government. I present the following paper:

Residential releases 2001-2002—Copy of table.

### **Auditor-General's Report No 5 of 2002**

**MR SPEAKER:** I present the following paper:

Auditor-General Act—Auditor-General's Report—No 5 of 2002—*V8 Car Races in Canberra—Costs and Benefits.*

The report was circulated to members out of session.

### **Papers**

**MR SPEAKER:** I present the following papers:

East Timorese Parliament—Correspondence between the Chief Minister and the Commonwealth Minister for Foreign Affairs, dated 28 June 2002, regarding the Assembly's resolution of 16 May 2002, together with related correspondence, dated 6 June and 9 July 2002.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)—Ratification—Letter from the Commonwealth Minister Assisting the Prime Minister on the Status of Women to the Chief Minister, undated, regarding the Assembly's resolution of 6 March 2002, together with related correspondence, dated 27 June 2002.

Elder abuse in the ACT—Letter from the Acting Chief Minister, dated 5 July 2002, regarding the Assembly's resolution of 5 June 2002.

De facto relationships—Property matters—Correspondence between the Chief Minister and the Prime Minister, dated 28 June 2002, regarding the Assembly's resolution of 8 May 2002, together with related correspondence, dated 22 May, 27 June and 31 July 2002.

All of these papers were circulated to members when the Assembly was not sitting.

Further, for the information of members, I present the following papers:

Administration (Interstate Agreements) Act, pursuant to section 7 (3) (a)—Instrument of nomination in relation to standing committees, dated 1 August 2002.

Study trip—Report by Mr G Cornwell MLA—Denver, Colorado—Annual meeting of the National Conference of State Legislatures, 23-27 July 2002.

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## **Executive contracts**

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): For the information of members I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long term contracts:

Neil Bulless, dated 30 July 2002.

Helen Fletcher, dated 11 June 2002.

Jill Circosta, dated 6 August 2002.

Temporary contracts:

Jennifer Ruth Brogan, dated 14 June 2002.

Richard Hart, dated 24 July 2002.

Doris Bozin, dated 27 June 2002.

Stephan Ryan, dated 20 June 2002.

John Meyer, dated 24 June 2002.

Diane Kargas, dated 31 July 2002.

Andrew Rice, dated 5 August 2002.

Schedule D variations:

Dorte Ekelund, dated 23 May 2002.

Michael Zissler, dated 22 and 12 June 2002.

Richard Johnston, dated 10 and 15 July 2002.

Adrian Robertson, dated 7 August 2002.

Timothy Francis, dated 29 July 2002.

I ask for leave to make a statement in relation to the contracts.

Leave granted.

**MR STANHOPE:** These documents are tabled in accordance with sections 31A and 79 of the Private Sector Management Act, which requires the tabling of all executive contracts and contract variations. Contracts were previously tabled on 26 June 2002. Today I present three long-term contracts, seven short-term contracts and five contract variations. The details of the contracts will be circulated to members.

## **Legislation program—spring 2002 Paper and statement by minister**

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): For the information of members, I present the following paper:

Legislation Program—Spring 2002.

I ask for leave to make a statement.

Leave granted.

**MR STANHOPE:** Mr Speaker, I am pleased to present the government's second legislation program. The focus of this program is on continuing the Labor government's drive for delivering its agenda promised at the last election for better financial management and governance of the territory. This program is also responsive to meeting community interests and concerns.

Mr Speaker, in the time available I'll attempt to comment on only a few items that are a priority for the government, notwithstanding that members may be interested in other items.

A key Labor election promise was a commitment to responsible and sustainable financial management. In this regard the government in June introduced to the Assembly its second budget, which will be debated next week. For information, I advise that the government will move amendments to its Appropriation Bill 2002-2003 to reflect changed departmental arrangements for the recently establishment of the new Department of Disability, Housing and Community Services.

New legislation is to be introduced to further improve responsible financial management. This will include the Financial Management Amendment Bill 2002. It arises from a review of the Financial Management Act 1996 and, together with other amendments proposed to the same act, will deal with the key role of the territory's banking account and administration of investments and borrowings of the territory. This will provide a framework that has appropriate legislative controls, while allowing for investment and borrowing practices which will minimise costs and maximise returns for the territory.

The Business Enterprise and Authorities (Tax Equivalents) Bill 2002 will reform the income tax equivalents regime applied to a number of ACT government authorities. The territory established a taxation equivalent regime as part of its commitment under the national competition principles agreement to ensure all government businesses are competitively neutral.

This bill will cover those government authorities which to date have been required, by legislation, to pay income tax equivalents but which, under a new regime now administered by the Australian Taxation Office, will no longer be required to do so. Under this bill a number of amendments will also be made to the Territory Owned Corporations Act, provisions which deal with the now defunct wholesale sales tax regime.

A bill is also proposed to amend the Duties Act 1999 to address anomalies in relation to the liability for duty when a Crown lease is granted or transferred. It will also clarify who can determine the unencumbered value of a Crown lease when it is granted and will align the Duties Act to the New South Wales Duties Act where appropriate.

In response to problems in the Australian insurance market, the government earlier today introduced a Civil Law (Wrongs) Bill as a first step in a coherent three-stage ACT reform program. The wrongs bill will consolidate tort law in the ACT and introduce a range of reforms to the law promoting accessibility and balance. The wrongs bill will serve as a platform, in the later second and third stages, to allow the ACT to adopt other desirable reforms that will eventuate as national developments occur.

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Another matter of community interest is the release of information about government contracts. The government is conscious of this and will introduce a bill to amend the Public Access to Government Contracts Act 2000. It will address the issues raised by the former Standing Committee on Finance and Public Administration in its report No 28 of 2001, which recommended that the act be amended. The proposed amendment will make chief executives responsible to put in place appropriate measures to ensure compliance with the requirements of the act and will also specify reporting requirements to improve the operation of the act.

Mr Speaker, the shortcomings of the territory's health system have been well and truly spotlighted with initiatives already under way to improve accountability, efficiency and the quality of services provided. The government will continue to enact, as soon as possible, any further legislation required in implementing the recommendations of the Reid review of organisational arrangements within the health portfolio.

The government will also enact any legislation required in responding to issues arising from the Gallop inquiry into disability services. The government will consult with the Disability Reform Group and the disability sector on proposals for legislation and introduce any necessary amendments to the Assembly later in the year.

An amendment will also be introduced to the Mental Health (Treatment and Care) Act 1994 to address a gap that has been identified in the mental health laws. Currently there is no specific power for the Mental Health Tribunal to order a stay of proceedings pending an appeal against one of its decisions. This means that an order of the tribunal for a person to undergo electro-convulsive therapy can be carried out by a doctor immediately following an order being made. Although the person has the right to appeal against the tribunal's decision, that right is effectively removed if the treatment is administered before an appeal is heard. The proposed amendment to the act will give the ACT Supreme Court the discretion to order that treatment be stayed pending appeal.

Another recent topical health area of public concern has involved reproduction. A Prohibition of Human Cloning Bill 2002 will be introduced to develop nationally consistent legislation on the banning of human cloning and other prohibited practices, and to regulate research on excess assisted reproductive technology embryos in the ACT.

Mr Speaker, the government is also keen to address law and order issues, with several items in the legislation program addressing these matters.

The Confiscation (Unlawful Proceeds) Bill 2002 will enhance our ability to combat serious and organised crime. The bill adopts many of the recommendations made by the Australian Law Reform Commission and innovations adopted elsewhere in Australia.

Its purpose is to make crime less profitable by increasing the risk that criminal profits will be confiscated. It retains the conviction-based forfeiture scheme contained in the current Proceeds of Crime Act 1991 and adds a new civil forfeiture mechanism, which enables forfeiture where, on the balance of probabilities, a court finds that property has been derived from serious illegal activities.

The bill provides an improved system for restraining property pending the outcome of forfeiture action and contains new powers to locate the proceeds of crime and to link profits to criminal activities. This bill was released as an exposure draft last year and has been revised to take account of consultation comments.

Also to progress reform of the ACT's criminal legislation process, the Criminal Code Bill 2002 will be introduced. The process commenced in September last year, when the Legislative Assembly passed the Criminal Code 2001. That act sets out some but not all of the general principles of criminal responsibility recommended by the national model of criminal code officers committee.

This additional bill will incorporate all the chapter two general principles of criminal responsibility in the ACT criminal code. It will also insert a new chapter four, which will modernise the ACT's computer and property damage offences. Most importantly for these uncertain times, it will also provided the ACT with a comprehensive and effective range of offences to do with sabotage and activities relating to the damage and disruption of public facilities and infrastructure.

Legislation will also be proposed to establish a fund that would act as a reinsurer to the ACT compulsory road transport third-party insurance scheme in the event of an act of terror. As this is another flow-on from the effects of the present insurance crisis, it will be a short-term measure only, with the proposed Road Transport General Amendment Bill 2002 to have a two-year sunset clause.

Mr Speaker, the government believes education to be a key investment in our future, and we will be investing \$27 million more in the ACT's education system than any other territory government since self-government. By doing so, we have recognised that the Canberra community expects the highest quality of education. Introduction of an Education Bill 2002 will provide a framework for the provision of such high-quality education. It will consolidate into one act provisions now spread over four acts and provide for governance of government schooling and regulation of non-government and home schooling.

The government will also be introducing the ACT Tertiary Accreditation and Registration Bill 2002 for the regulation of higher education in the ACT, based on model legislation being developed at a national level.

Other legislation of note to the community includes amendments to be introduced to the land act in relation to compliance improvement. This will simplify processes and also deal with encroachments. An exposure draft of the Heritage Bill 2002 will also be released to provide for new and improved procedures to the registration and protection of heritage places and objects.

On 27 June 2002 the Standing Committee on Legal Affairs reported on its inquiry into the size of the Assembly. I have discussed the issues raised with the Electoral Commissioner, and today I hope to discuss these issues with Mr Tuckey, the Commonwealth Minister for Regional Services, Territories and Local Government. I am also meeting with other members of the Assembly on this matter.

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Mr Speaker, I have outlined just a few of the initiatives proposed in the spring 2002 program. The program contains a number of diverse and interesting items which the government considers important for the community and good governance. I seek the cooperation of all members in the timely consideration of these bills.

Mr Speaker, I commend the spring 2002 legislation program to the Assembly.

## **Paper**

**Mr Stanhope** presented the following paper:

ACT Legislative Assembly Election 2001—Review of the Electoral Act 1992.

## **Appropriation Bill 2002-2003 Papers and statement by minister**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): Mr Speaker, for the information of members, I present the following papers:

Appropriation Bill 2002-2003—

Proposed Government amendments to the Appropriation Bill 2002-2003—Explanatory memorandum.

Update to the 2002-2003 Budget papers.

I seek leave to make a short statement.

Leave granted.

**MR QUINLAN:** I have presented an update of the agency financial statements presented as part of 2002-03 budget papers. Revised Budget Paper No 4 has been produced to reflect the administrative arrangement orders announced on 1 July 2002, which created the new Department of Disability, Housing and Community Services, and the subsequent transfer of interagency responsibilities, appropriation and budget.

Mr Speaker, copies of these statements were supplied to the Select Committee on Estimates, prior to the commencement of Assembly sittings, to assist with deliberations.

I have also tabled proposed amendments to Appropriation Bill 2002-2003 in the format of an explanatory memorandum. I commend the papers to the Assembly.

## **Papers**

**Mr Quinlan** presented the following papers:

### **Ownership agreements**

Revised 2002-2003 Ownership Agreements between the Treasurer and the following Chief Executives and Executives:

Chief Minister's Department (revised August 2002).

Department of Education, Youth and Family Services (revised August 2002).

Department of Health and Community Care (revised August 2002).

Department of Treasury (revised August 2002).

Department of Urban Services (revised August 2002).

Department of Disability, Housing and Community Services.

ACT Housing (revised August 2002).

### **Statements of Intent**

Financial Management Act, pursuant to section 58—

ACTTAB Limited—Statement of Corporate Intent—1 July 2002-30 June 2003.

ACT Community Care—Revised 2002-2003 Statement of Intent (revised August 2002).

## **Consolidated financial management report Paper and statement by minister**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): Mr Speaker, for the information of members, I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Management Report for the financial quarter and year to date ending 30 June 2002.

I seek leave to make a brief statement.

Leave granted.

**MR QUINLAN:** These statements—let me stress that they are unaudited—show in the general government sector for last year a surplus, you will be pleased to hear, of about \$9 million. Contributions to the fact that it is a surplus include lease sales brought forward of in the order of \$13 million and \$6.4 million worth of asset re-evaluation.

In May there was a little exchange in relation to return on investments. The return on superannuation was a loss of about \$33 million. I remember saying at that stage that I was willing to have a small wager that our investment returns for this year would be closer to zero than to the \$63 million that was included in Mr Humphries' budget. I thought it was reasonable that the challenge be made in light of claims made and arguments put forward. I reckoned a bottle of Penfolds Bin 389 of 1998 would be okay. I did pay a wager to Mr Humphries of a bottle of 128 and since that time have upped the ante to 389. *Hansard* does not include a nod or a shake of the head, so I'll leave it to you, Mr Humphries.

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## **Authorisation of expenditure Paper and statement by minister**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): Mr Speaker, for the information of members, I present the following paper:

Financial Management Act, pursuant to section 18—Authorisation of expenditure in 2001-02, including the statement of reasons for expenditure against the Treasurer's Advance.

I seek leave to make a statement.

Leave granted.

**MR QUINLAN:** Mr Speaker, as required by the Financial Management Act 1996, I table a copy of authorisation for expenditure under section 18 of the act and a statement of the reasons relating to the expenditure. Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's Advance. The authorisation may provide for expenditure in excess of an amount already specifically appropriated or an expenditure for which there is no appropriation.

The act states that where the Treasurer has authorised expenditure under section 18 a copy of the authorisation and a statement of the reasons relating to expenditure are to be laid before the Legislative Assembly as soon as practicable after the end of the financial year.

The Appropriation Act 2001-2002 provided \$18.6 million to the Treasurer's Advance. The final expenditure against the Treasurer's Advance in the 2001-02 financial year totalled \$15.779 million, leaving \$2.821 million, unfortunately, unallocated.

Significant items provided for include \$10 million to address fire safety issues in ACT Housing's multiunit complexes and to meet current standards under the Building Code of Australia and \$4 million to fund a shortfall of Commonwealth funding for fire protection services.

I commend these papers to the Assembly.

## **Paper**

**Mr Quinlan** presented the following paper:

Canberra Tourism and Events Corporation Act, pursuant to section 28 (3)—Canberra Tourism and Events Corporation quarterly report for January to 31 March 2002.

## Development application—revocation

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (4.05): I present the following paper:

Land (Planning and Environment) Act, pursuant to section 229A (7) (b)—Statement relating to the revocation of Development Application 20012316—Blocks 11 & 12, section 58 Turner, dated 27 June 2002.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

## Territory Plan—variations Papers and statement by minister

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): For the information of members, I present the following papers:

Land (Planning and Environment) Act, pursuant to section 29—

Variation No 189 to the Territory Plan—Commercial B2A Civic Centre Land Use Policy (Precinct b1), Community Facility Sites and Other Minor Changes.

Variation No 182 to the Territory Plan—Public Land—Nature Reserve—Yellow Box/Red Gum Grassy Woodland (Tuggeranong Hill, Mt Majura and Mulligans Flat) and the Aranda Snow Gum Site.

Variation No 164 to the Territory Plan—Community Facility Land Use Policies and Proposed Changes,

together with the background papers and copies of the summaries and reports.

I seek leave to make a brief statement in relation to each variation.

Leave granted.

**MR CORBELL:** Mr Speaker, variation No 189 proposes to vary the Territory Plan to remove the community facility land use policy on block 2 of section 84 City and replace it with a commercial B2A Civic Centre land use policy. It also proposes to remove the existing commercial B2A Civic Centre land use policy from parts of block 1 section 84 and replace it with a community facility land use policy. The variation also proposes to delete the existing major road land use policy applying to parts of Ballumbir Street and Cooyong Street where it adjoins the proposed development site and substitute the community facility land use policy and the commercial B2A land use policy precinct b1 business area respectively.

The proposal forms part of a comprehensive project to redevelop a site of approximately 4.8 hectares located in the north-eastern sector of the central business district of Canberra. The proposal triggered a mandatory preliminary assessment because it

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involved a change to the Territory Plan involving the relocation of a community facility and a net increase of more than 7,000 square metres of gross floor area.

The PA examined the potential impacts on physical, natural and human environments. It was determined that the PA satisfactorily identified the range of impacts arising from the proposed development and that no further impact assessment was required.

The draft variation relating to section 84 City, draft variation 189, was released prior to the last election and was based on the previous government's commitments involving public tender and sale of the land.

The proposed development includes the construction of new community facility buildings for use by the Griffin Centre and youth centre. In accordance with the development deed, they will be made ready for occupation prior to the demolition of the existing facilities. This should cause minimum disruption to the continuity of services.

The buildings will be designed and constructed in accordance with user requirement briefs specifically provided by the ACT government. The new facilities will provide accommodation space equivalent to or better than that which is being replaced, and it will be superior in building quality, flexibility, access, safety and ease of use.

This variation makes the sites for the new Griffin Centre and youth centre subject to the community facility land use policy instead of the commercial B2A Civic Centre precinct D car parking area and major roads land use policies that currently apply to the sites.

The existing Griffin Centre is an important community resource used by over 230 community groups and organisations from across Canberra. The opportunity exists within the comprehensive project to provide new accommodation better suited to the needs of the various community groups that use the centre.

The new building and site will be funded by the developer in accordance with the development deed and handed back to the territory on completion. Whilst the existing Territory Plan policies applying to block 1 section 184 already provide for the development of the new Griffin Centre, the change to the community facility land use policy reinforces the intention of retaining the site as a community facility for the long term.

The new Griffin Centre will be located on the junction of the proposed extension to Lonsdale Street and an new internal street parallel to Ballumbir Street. The corner site will give the building a northerly aspect. The proposed location is close to the existing site, central, accessible and close to public transport and it gives the centre two street frontages.

It is proposed that the new building will occupy four levels. The new facility is proposed to be contained in a distinctive building that recognises the importance and significance of the community sector.

The existing Griffin Centre, in comparison, is a two-storey building with a lettable floor area for tenant and community use of approximately 2,340 square metres. The new Griffin Centre will have a gross floor area of approximately 3,640 square metres. It will

have a ground floor area of approximately 950 square metres. The total lettable floor area of the new Griffin Centre is expected to be around 2,870 square metres, an increase of 530 square metres, or over 20 per cent, on existing lettable floor area.

The existing youth centre provides a range of services and activities for younger people. They include education, health, entertainment and counselling and an outdoor half-size basketball court. The existing centre has a gross floor area of 560 square metres. There are offices associated with the centre of some 228 square metres.

The new youth centre and skateboard park are proposed to be located on the corner of Ballumbir Street and a new internal road that is proposed to provide access through the site from Bunda Street to Ballumbir Street. The new youth centre will have a minimum of 612 square metres gross floor area and will be designed in accordance with the user brief.

Funding has been identified for further space to allow the location of a youth health facility in the new centre. The corner site will give the centre some prominence, and the proposed two-storey design will give a greater sense of presence and allow for youth expression.

Presently, a skateboard facility is located in section 84 close to the youth centre. There is a visual and social link to this skateboard facility and the youth centre users. It is proposed that a new skateboard park will also be developed in association with the new youth centre.

I move to the proposed redevelopment of the existing Griffin Centre and youth centre sites. The Territory Plan is varied by this variation to remove the community facility land use policy on block 2 section 84 and to replace it with a commercial B2A Civic Centre land use policy precinct b1 business area.

The concept plan proposes a seven-storey building height. The concept plan indicates that the likely combination of uses proposed for the redevelopment of the existing Griffin Centre and youth centre sites will be for residential, office, retail, commercial accommodation, such as hotel or serviced apartments, and parking.

Over recent years there has been an increase in demand for inner city residential living. Introducing a residential component makes a substantial contribution to the life of the city and can lead to approved community safety outcomes through passive surveillance. I should stress that the government, the minister for housing, Mr Wood, and I are also exploring options for affordable housing outcomes as a part of this development.

The Griffin Centre site is subject to a community facility area specific policy, No 4D. Draft variation No 164 to the Territory Plan, currently released for public comment, deals with community facility land use policies. DVP 164 proposes to delete area specific policy 4D. However, because the outcome of DVP 164 cannot be pre-empted, it is necessary at this point to concurrently amend area specific policy 4D to delete the Griffin Centre in draft variation 189.

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Variation 189 was submitted to the executive in March 2002. It was referred to the Standing Committee on Planning and Environment in March 2002. The committee considered the draft variation, and in its report No 5 of August 2002 endorsed the variation.

The committee, however, made three other recommendations. The committee recommended that the ACT government ensure that future developments follow the more desirable process of dealing with the detailed land use issues at an early stage in the development of a proposal.

Mr Speaker, the government accepts the thrust of the committee's recommendation and acknowledges the desirability of resolving land use issues at an early stage in the development of a proposal. In the case of this particular development, though, I should point out that the process commenced under the previous government and had already reached an advanced stage when the current government came to power.

The committee also recommended that permitted uses of the triangle of land immediately to the east of the proposed new Griffin Centre be amended to include community use. The government notes that the existing land use policy for this area—commercial B Civic precinct d—already permits community use.

The committee recommended also that PALM put in place a framework to formalise the involvement of the community sector, particularly the current tenants of the Griffin Centre and the youth centre and users of the skateboard park, in the detailed development of the plans for the new community facilities on site.

The government agrees with this recommendation and notes that there has already been substantial consultation with community management organisations on these facilities. Nonetheless, through the production of detailed development plans for the new Griffin Centre, youth centre and skateboard park, there will be additional liaison and consultation with community management organisations and representatives of users and tenants of those facilities.

Mr Speaker, I move to the other two variations that I have tabled today. Variation No 182 to the Territory Plan proposes to vary the Territory Plan map by adding the public land nature reserve (Pc) overlay to the areas of yellow box/red gum grassy woodland located in the vicinity of Tuggeranong Hill, Mount Majura and Mulligans Flat—the existing land use policies for these sites is also changed to hills, ridges and buffer areas, as this policy is more consistent with nature conservation objectives—and the Aranda snow gums site at block 1399 Belconnen.

Although the site is territory land, it is a designated area and therefore subject to the National Capital Plan. This means there is no change to the underlying designated area status presently shown on the Territory Plan map. However, this does not prevent the public land overlay from being applied to the site.

This variation responds to a recommendation from the Conservator of Flora and Fauna to include several areas of yellow box/red gum grassy woodland and the Aranda snow gum site in public land as nature reserves.

The draft variation was released for public comment in May last year. Five written submissions were received as a result of the public consultation, with four expressing support for the proposals included in the draft variation.

In response to issues raised, PALM requested further advice from Environment ACT in relation to public land categories at the proposed Mount Majura reserve in Watson. Environment ACT has undertaken a review of the existing public land categories in the vicinity of the proposed reserve.

PALM was advised that the area immediately to the east of the proposed reserve is currently classified as special purpose reserve including high-quality yellow box/red gum woodland. It is therefore proposed to change the public land category applying to this land to nature reserve.

The area to the south of the proposed nature reserve incorporates four horse paddocks that make up the eastern section of the Hackett public horse holding paddock complex. Except for a small westerly portion, the paddocks are included within the nature reserve overlay.

Environment ACT advise that the two northern paddocks are largely composed of high-quality woodland and are considered unsuitable for horse grazing. However, the two southern paddocks have limited tree habitat and good pasture suitable for grazing. It has therefore been proposed to amend the public land boundary so that the two northern paddocks are included entirely within nature reserve. At the same time the two southern paddocks would be included in special purpose reserve. The conservator has recommended that the Territory Plan map be revised to reflect the proposed changes, and this has been done.

Variation No 182 was submitted to the executive in May this year. It was referred to the Standing Committee on Planning and Environment in May this year as well. The committee considered the draft variation, and in its report No 6, of August this year, endorsed the variation. The committee also recommended that a draft variation to incorporate designated areas of yellow box/red gum grassy woodland located at east O'Malley into the Mount Mugga Mugga reserve be released as a matter of urgency. This matter is currently being addressed by PALM, and a draft variation is being prepared.

Variation No 164 to the Territory Plan is a variation to replace the existing community facility land use policy at part B4 of the Territory Plan written statement. The principal objective of the community facility land use policy is to ensure that adequate sites are available to meet community needs for community services and facilities in appropriate and accessible locations.

The identification and allocation of sites to this land use policy take into account the current and potential health, educational, intellectual, religious, cultural and welfare needs of the ACT community. To meet future needs that arise from changing demographics and changing service delivery policies, land set aside for community facility uses may stand vacant for several years.

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Current practices in the delivery of community services and facilities are based on the need to retain flexibility, to respond to emerging needs and to encourage solutions adaptable to local circumstances and priorities. The community facility land use policies reflect these new and emerging practices in service delivery.

The extent to which spare capacity exists on existing committed community facility sites is difficult to estimate. Due to constantly changing needs, especially in the maturing community, it is appropriate to undertake such assessments as and when needed. It has not, therefore, been possible to assess the total capacity of community facility sites to determine what might be available for future community facilities expansion. The review of community facility sites has adopted a precautionary approach and does not propose to reduce the existing amount of vacant useable community facilities land.

To meet the future needs of community facilities and services requires a planning policy framework that incorporates an appropriate mix of uses and the flexibility to adapt to changes over time. In particular, the policy needs to provide for housing types that are appropriate to persons with special needs.

The existing policy only makes provision for housing for aged persons or for people with other special needs on land with a community facility land use policy where such housing is part of a retirement complex, special care establishment or special dwelling.

To meet the definition of a special care establishment and retirement complex, the development must include facilities dedicated to providing supervision, treatment and specialist care, such as a nursing home. The proposed policy amends this provision and allows for housing with a range of levels of support to be given consideration where it can be demonstrated that such development would be an appropriate use of the site and that there is adequate land for community use in the locality.

This change aims to meet some of the housing needs of Canberra's ageing population and other groups who have special housing needs and to support the broader government policy to maximise housing choice for older people. A mix of housing types and sizes is needed, designed to be able to adapt to a variety of potential needs such as disabled access.

Mr Speaker, ideally these developments need to be distributed throughout Canberra. However, there is a very limited number of suitable residential land use policy sites available in the established urban areas where the need for supportive housing is greatest. To widen the opportunities for housing, it is proposed to consider development of land to the community facility land use policy for supportive housing, provided a community needs assessment demonstrates that there is sufficient land to meet the anticipated community uses in the locality. It is anticipated that some large surplus community facility sites may become available as suburbs age and the demographic needs of the area change.

In general, the redevelopment of these sites would meet both the locational requirements for disability and age-specific developments and the need for such development. To ensure that genuine disability and aged care developments are built, it is proposed to apply land use restrictions that include criteria for design, management and occupation.

The draft variation was released for public comment in July this year. Eleven written submissions were received, and the draft variation was subsequently revised following public consultation and further assessment by PALM.

Variation No 164 was submitted to the executive in March 2002. It was referred to the Standing Committee on Planning and Environment in April 2002. The committee considered the draft variation, and in its report No 7 this year endorsed the variation.

Mr Speaker, I commend the variations to the Assembly.

## **Papers**

**Mr Corbell** presented the following papers:

Occupational Health and Safety Act, pursuant to section 96C—Operation of the Occupational Health and Safety Act 1989 and its associated law—

Second Quarterly Report 2001-2002;

Third quarterly Report 2001-2002.

## **Performance reports**

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services): I present the following papers:

Financial Management Act, pursuant to section 25A—Quarterly departmental performance reports for the June quarter 2002 for the following departments or agencies:

ACT Workcover

Chief Minister's

Chief Minister's Department (Economic Development, Business, Tourism and Sport)

Chief Minister's Department (Industrial Relations)

Justice and Community Safety

Planning

Treasury, dated August 2002

Urban Services

Education, Youth and Family Services.

These reports were circulated to members when the Assembly was not sitting, with the exception of the one for Education, Youth and Family Services.

## **Papers**

**Mr Wood** presented the following papers:

**Subordinate legislation (including explanatory statements, unless otherwise stated)**

Legislation Act, pursuant to section 64—

ACTION Authority Act—ACTION Authority (Appointments) 2002 (No 1)—Disallowable Instrument DI2002-101 (LR, 27 June 2002).

Adoption Act—Adoption (Fees) Determination 2002 (No 1)—Disallowable Instrument DI2002-65 (LR, 25 June 2002).

Agents Act—

Agents Act 1968—Board Appointments 2002 (No 1)—Disallowable Instrument DI2002-137 (LR, 9 July 2002).

Agents Act 1968—Board Appointments 2002 (No 2)—Disallowable Instrument DI2002-138 (LR, 9 July 2002).

Agents Act, Consumer Credit (Administration) Act, Liquor Act, Sale of Motor Vehicles Act, Trade Measurement (Administration) Act, Classification (Publications, Films and Computer Games) (Enforcement) Act, Prostitution Act, Second-hand Dealers Act, Public Trustees Act, Adoption Act, Associations Incorporation Act, Business Names Act, Births, Deaths and Marriages Registration Act, Instruments Act, Land Titles Act, Registration of Deeds Act, Magistrates Court Act, Supreme Court Act—Attorney-General (Determination of Fees and Charges for 2002/2003)—2002 (No 1)—Disallowable Instrument DI2002-126 (without explanatory statement) (LR, 28 June 2002).

Architects Act—Architects (Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-102 (without explanatory statement) (LR, 27 June 2002).

Building Act—

Building (Fees) Revocation 2002—Disallowable Instrument DI2002-103 (without explanatory statement) (LR, 27 June 2002).

Building (Fees) Determination 2002—Disallowable Instrument DI2002-104 (without explanatory statement) (LR, 27 June 2002).

Community Title Act—Community Title (Fees) Determination and Revocation 2002—Disallowable Instrument DI2002-105 (without explanatory statement) (LR, 27 June 2002).

Construction Practitioners Registration Act—Construction Practitioners Registration (Fees) Determination and Revocation 2002—Disallowable Instrument DI2002-106 (without explanatory statement) (LR, 27 June 2002).

Cultural Facilities Corporation Act—Cultural Facilities Corporation Appointment 2002—Disallowable Instrument DI2002-144 (LR, 19 July 2002).

Dangerous Goods Act—Dangerous Goods (Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-131 (without explanatory statement) (LR, 1 July 2002).

Dentists Act—Dentists Act 1931—Determination of Fees 2002—Disallowable Instrument DI2002-100 (LR, 28 June 2002).

Domestic Animals Act—Domestic Animals Amendment Regulations 2002 (No 1)—Subordinate Law 2002 No 15 (LR, 19 June 2002).

Duties Act—

Duties (Guidelines—Insurance Exempt from Duty) Determination 2002 (No 1)—Disallowable Instrument DI2002-118 (LR, 28 June 2002).

Duties Determination 2002 (No 1)—Disallowable Instrument DI2002-90 (LR, 24 June 2002).

Electoral Act—Combined Determination of Fees 2002—Disallowable Instrument DI2002-92 (LR, 25 June 2002).

Electricity Act—

Electricity (Fees) Revocation 2002—Disallowable Instrument DI2002-107 (without explanatory statement) (LR, 27 June 2002).

Electricity (Fees) Determination 2002—Disallowable Instrument DI2002-108 (without explanatory statement) (LR, 27 June 2002).

Emergency Management Act—Emergency Services (Determination of Fees and Charges for 2002/2003)—2002 (No 1)—Disallowable instrument DI2002-98 (LR, 28 June 2002).

Environment Protection Act—Environment Protection Declaration of non-application of section 48 2002 (No 1)—Disallowable Instrument DI2002-156 (LR, 12 August 2002).

Financial Management Act—

Financial Management Amendment Guidelines 2002—Disallowable Instrument DI2002-60 (LR, 17 June 2002).

Financial Management Guidelines 2002—Disallowable Instrument DI2002-154 (LR, 12 August 2002).

Fire Brigade Regulations—ACT Fire Brigade (Determination of Fees and Charges for 2002/2003)—2002 (No 1)—Disallowable Instrument DI2002-127 (LR, 28 June 2002).

Gaming Machine Act—Gaming Machine (Guidelines for Approving Community Contributions—Women’s Sports) 2002 (No 1)—Disallowable Instrument DI2002-119 (LR, 28 June 2002).

Gas Safety Act—Gas Safety (Codes of Practice) Determination 2002—Disallowable Instrument DI2002-145 (LR, 22 July 2002).

Government Procurement Act—

Government Procurement (Approved Procurement Units) Guideline 2002 (No 1)—Disallowable Instrument DI2002-57 (LR, 13 June 2002).

Government Procurement (Principles) Guideline 2002 (No 2)—Disallowable Instrument DI2002-58 (LR, 13 June 2002).

Gungahlin Development Authority Act—

Gungahlin Development Authority Appointment 2002 (No 1)—Disallowable Instrument DI2002-142 (LR, 22 July 2002).

Gungahlin Development Authority Appointment 2002 (No 2)—Disallowable Instrument DI2002-143 (LR, 22 July 2002).

Health and Community Care Services Act—Health and Community Care Services—Determination of Fees (Annual Review) 2002—Disallowable Instrument DI2002-97 (LR, 27 June 2002).

Land (Planning and Environment) Act—

Land (Planning and Environment) (Fees) Revocation 2002—Disallowable Instrument DI2002-111 (without explanatory statement) (LR, 27 June 2002).

Land (Planning and Environment) (Fees) Determination 2002—Disallowable Instrument DI2002-112 (without explanatory statement) (LR, 27 June 2002).

Leases (Commercial and Retail) Act—Leases (Commercial and Retail) Regulations 2002—Subordinate Law SL2002-19 (LR, 26 June 2002).

Legislative Assembly (Members' Staff) Act—

Arrangements for the Employment of Staff and the Engagement of Consultants and Contractors by Members 2002—Disallowable Instrument DI2002-121 (LR, 29 June 2002).

Arrangements for the Employment of Staff and the Engagement of Consultants and Contractors by the Speaker 2002—Disallowable Instrument DI2002-122 (LR, 28 June 2002).

Terms and Conditions of Employment of Staff of Members Pursuant to Section 11 (2)—Disallowable Instrument DI2002-123 (LR, 28 June 2002).

Terms and Conditions of Employment of Staff of Office-Holders Pursuant to Section 6(2)—Disallowable Instrument DI2002-124 (LR, 28 June 2002).

Terms and Conditions of Employment of Staff of the Speaker Pursuant to Section 6(2)—Disallowable Instrument DI2002-125 (LR, 28 June 2002).

Low-alcohol Liquor Subsidies Act—Low-alcohol Liquor Subsidies (Expiry) Regulations 2002—Subordinate Law 2002 No 18 (LR, 21 June 2002).

Machinery Act—Machinery (Fees) Revocation and Determination 2002—Disallowable instrument DI2002-99 (without explanatory statement) (LR, 1 July 2002).

National Exhibition Centre Trust Act—National Exhibition Centre Trust Appointment 2002 (No 1)—Disallowable instrument DI 2002-96 (LR, 27 June 2002).

Nature Conservation Act—Nature Conservation Declaration of Protected and Exempt Flora and Fauna 2002 (No 1)—Disallowable Instrument DI2002-136 (LR, 3 July 2002).

Occupational Health and Safety Act—Occupational Health and Safety (Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-129 (without explanatory statement) (LR, 1 July 2002).

Plumbers, Drainers and Gasfitters Board Act—Plumbers, Drainers and Gasfitters Board (Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-120 (without explanatory statement) (LR, 27 June 2002).

Public Place Names Act—

Public Place Names 2002, No: 7 (Street Nomenclature—Nicholls)—Disallowable Instrument DI2002-133 (LR, 3 July 2002).

Public Place Names 2002, No: 8 (Street Nomenclature—Dunlop)—Disallowable Instrument DI2002-134 (LR, 3 July 2002).

Public Place Names 2002, No: 10 (Street Nomenclature—Nicholls)—Disallowable Instrument DI2002-132 (LR, 3 July 2002).

Public Place Names 2002, No: 12 (Street Nomenclature—Amaroo)—Disallowable Instrument DI2002-135 (LR, 3 July 2002).

Public Place Names 2002, No 15 (Street Nomenclature—Dunlop)—Disallowable Instrument DI2002-151 (LR, 30 July 2002).

Public Sector Management Act—

Public Sector Management Amendment Standards 2002 (No 2)—Disallowable Instrument DI2002-139 (LR, 18 July 2002).

Public Sector Management Amendment Standards 2002 (No 3)—Disallowable Instrument DI2002-152 (LR, 1 August 2002).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2002 (No 2)—Disallowable instrument DI2002-68 (LR, 25 June 2002).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2002 (No 3)—Disallowable instrument DI2002-69 (LR, 25 June 2002).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination and Directions for Operation 2002 (No 1)—Disallowable Instrument DI2002-150 (LR, 29 July 2002).

Rates and Land Tax Act—Rates & Land Tax (Objection Fees) Determination 2002—Disallowable instrument DI2002-59 (LR, 17 June 2002).

Road Transport (General) Act—

Road Transport (General)—Declaration that the road transport legislation does not apply to certain roads and road related areas 2002 (No 4)—Disallowable instrument DI2002-91 (LR, 27 June 2002).

Road Transport (General) (Registration Fees) Determination 2002—Disallowable Instrument DI2002-141 (LR, 22 July 2002).

Road Transport (Safety and Traffic Management) Regulations—

Road Transport (Safety and Traffic Management) Declaration of Parking Authority 2002 Canberra International Airport—Disallowable Instrument DI2002-117 (LR, 27 June 2002).

Road Transport (Safety and Traffic Management) Declaration of Parking Authority 2002—Lend Lease Retail (Woden Plaza)—Disallowable Instrument DI2002-149 (LR, 23 July 2002).

Road Transport (Safety and Traffic Management) Declaration of Parking Authority 2002—ACT Strata Management Services (McKay Gardens Professional Centre Turner and 28 Challis Street Dickson)—Disallowable Instrument DI2002-153 (LR, 1 August 2002).

Scaffolding and Lifts Act—Scaffolding and Lifts (Fees) Revocation and Determination 2002—Disallowable Instrument 2002-128 (without explanatory statement) (LR, 1 July 2002).

Stadiums Authority Act—

Instrument of Appointment to the Stadiums Authority 2002 (No 1)—Disallowable Instrument DI2002-146 (LR, 25 July 2002).

Instrument of Appointment to the Stadiums Authority 2002 (No 2)—Disallowable Instrument DI2002-147 (LR, 24 July 2002).

Instrument of Appointment to the Stadiums Authority 2002 (No 3)—Disallowable Instrument DI2002-148 (LR, 24 July 2002).

Supreme Court Act—Supreme Court Amendment Rules 2002 (No 1)—Subordinate Law 2002 No 016 (LR, 19 June 2002).

Surveyors Act—

Surveyors (Fees) Revocation 2002—Disallowable Instrument DI2002-113 (without explanatory statement) (LR, 27 June 2002).

Surveyors (Fees) Determination 2002—Disallowable Instrument DI2002-114 (without explanatory statement) (LR, 27 June 2002).

Taxation Administration Act—

Taxation Administration (Amounts payable—Payroll Tax) Determination 2002 (No 1)—Disallowable Instrument DI2002-94 (LR, 26 June 2002).

Taxation Administration (Amounts payable—Duty) Determination 2002 (No 1)—Disallowable Instrument DI2002-95 (LR, 26 June 2002).

Taxation Administration (Payroll tax provisions) Approved Special Arrangements 2002 (No 1)—Disallowable Instrument DI2002-66 (LR, 8 July 2002).

Territory Superannuation Provision Protection Act—Superannuation Management Guidelines 2002—Disallowable Instrument DI2002-155 (LR, 12 August 2002).

Unit Titles Act—

Unit Titles (Fees) Revocation 2002—Disallowable Instrument DI2002-115 (without explanatory statement) (LR, 27 June 2002).

Unit Titles (Fees) Determination 2002—Disallowable Instrument DI2002-116 (without explanatory statement) (LR, 27 June 2002).

University of Canberra Act—Courses and Awards Amendment Statute 2002—Disallowable Instrument DI2002-61 (LR, 24 June 2002).

Vocational Education and Training Act—Vocational Education and Training (Fees) Determination 2002 (No 1)—Disallowable Instrument DI2002-64 (LR, 24 June 2002).

Waste Minimisation Act—Waste Minimisation (Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-140 (LR, 30 July 2002).

Water and Sewerage Act—

Water and Sewerage (Fees) Revocation 2002—Disallowable Instrument DI2002-109 (without explanatory statement) (LR, 27 June 2002).

Water and Sewerage (Fees) Determination 2002—Disallowable Instrument DI2002-110 (without explanatory statement) (LR, 27 June 2002).

Workers Compensation Act—

Workers Compensation Regulations 2002—Subordinate Law 2002 No 20 (LR, 28 June 2002).

Workers' Compensation (Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-130 (without explanatory statement) (LR, 1 July 2002).

Workers Compensation Rules 2002—Subordinate Law SL2002-21 (LR, 9 July 2002).

**Petitions—Out of order**

Mental Health Services of the ACT—Mr Smyth (2,060 citizens).

Health Regulation (Maternal Health Information) Act 1998—Repeal—Mr Berry (228 citizens).

## **Garden city plan**

### **Discussion of matter of public importance**

**MR SPEAKER:** Members, I have received a letter from Ms Gallagher proposing that a matter of public importance be submitted to the Assembly, namely:

The decision of the Australian Council of National Trusts to remove nine suburbs previously on the trust's endangered list as a result of a release of the Garden City plan.

**MS GALLAGHER (4.26):** I raise this matter today because it reflects an important and positive development for the future of Canberra as a garden city, and for the amenity and lifestyle of Canberra residents. The Australian Council of National Trusts conducts an endangered places program, the aim of which is to highlight heritage places under threat and to encourage action to conserve them.

Each year, the trust reports on outcomes for places listed in the previous year. I am happy to say that Canberra has recently been the site of a number of positive outcomes in heritage conservation. Canberra's garden suburbs were placed on the trust's endangered places list in 2001. These suburbs were O'Connor, Ainslie, Braddon, Reid, Turner, Red Hill, Yarralumla, Forrest and Griffith.

The trust notes that these suburbs, developed between the 1920s and 1940s, are essential to Canberra's development and character. These suburbs, with their low-density, detached housing, with separate gardens and ample street tree planting, are recognised by the trust as an excellent example of integrated city garden planning. The report says that, as a collection, they are one of the best examples, internationally, of garden city planning. They are integral to Canberra's character and reputation as a significant twentieth century town planning achievement.

If these suburbs are widely recognised as an asset in their garden state, why were they placed on the endangered places list? There were a number of reasons for this. The trust notes that one of the main reasons for places becoming endangered is pressure driven by urban consolidation, resulting in intensive development and inappropriate redevelopment proposals. The garden suburbs of Canberra were particularly at the mercy of this sort of development.

Under a rush to develop without heed to issues of sustainability, community concern or Canberra's heritage, these suburbs, which form a key part of Canberra's nature and image, were threatened by urban consolidation, dual occupancy and a blanket 35 per cent plot ratio that could have been increased to 50 per cent as part of the Territory Plan proposed under ACTCode.

In recent years, inappropriate dual occupancy and multi-unit development, as well as huge houses crammed onto blocks, have been fundamentally changing the garden character of Canberra—damaging the residential amenity and privacy Canberrans have traditionally enjoyed. Inadequate private open space and permeable surfaces for trees and gardens have also begun to have serious implications for sustainable water management.

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The ACT branch of the National Heritage Trust recognised this danger to the garden city nature of Canberra and was supported in its nomination of these suburbs by various community groups and local area planning advisory committees. However, on 12 August this year these nine suburbs were removed from the endangered list.

As a resident of one of these suburbs, I am relieved to see work being done to protect the unique nature of these areas. I am also proud to say that the reason these suburbs have been removed from the list, and deemed to be no longer endangered, is due to the work being done by the ACT government.

The report of the trust refers specifically to draft variation 192, which limits dual and triple occupancy housing, and to draft variation 200, which is designed to protect our garden suburbs. These measures, and draft variation 200 in particular, recognise that Canberra has a unique heritage in its garden suburbs and that, with careful guidelines, community consultation and respect for the vision of Walter Burley Griffin, development can continue without threatening the very special quality of these suburbs.

Responsible and sustainable planning, in consultation with the community, was a core part of the Labor Party's election platform last year. I am pleased to see that it has already produced positive results.

The Australian Council of National Trusts views these initiatives as a substantial achievement from the 2001 nominations, and as an excellent example of "how constructive a community-driven government response can be". It says that the new government has responded quickly to legitimate community concerns regarding rampant development and is now working with the community and industry to develop a comprehensive plan to establish future planning arrangements for Canberra.

Draft variation 200 forms a core part of this process. This is a process which the trust suggests could be adopted by other states in relation to urban precincts still at risk. It is great to see the ACT leading the way in this area and making it clear that there is such a thing as sustainable development which respects heritage, history and the concerns of residents. It is also heartening to see the ACT government clearly demonstrating that it is possible to generate planning policies which allow for community consultation, sustained and sustainable development, and the preservation of heritage and residential amenity.

I think what members need to consider now, Mr Speaker, is that we have been very fortunate to have had the heritage of Canberra recognised, and held up as an example, and that we have—for now anyway—managed to preserve that heritage for the people who live here, and for Canberra more broadly. We need to continue this work.

We should recognise that sustainability, heritage and community consultation is not necessarily anti-development. The ACT government is not anti-development, by any means. We want to ensure that successful development is done in line with social, economic and environmentally responsible planning principles, developed after widespread and thorough community and industry consultation.

We need to recognise that the protection afforded the garden suburbs should be extended to all of Canberra, because all Canberrans have a right to residential amenity, private open space and privacy. They have a right to well planned developments, with access to

public transport and services which have regard for environmental sustainability and the leafy garden nature that sets Canberra apart.

We should be celebrating the progress we have made in protecting the unique heritage of Canberra and the recognition we have achieved for our example of city garden planning and as a leader in protecting this plan and consulting with the community. We should now be looking forward to measures which ensure this continued protection and consultation.

**MS TUCKER** (4.33): I will make some comments about this. In principle, the Greens support the garden city variation. It picks up the basic planning position and principles we have been promoting since we have been in the Assembly. That is that you target where redevelopment occurs—and that it certainly should be related to town centres and public transport. So we have no problems with the fundamentals of the approach. I think what Ms Gallagher has said is important. People in the community feel very strongly about where they live. We cannot undervalue the importance of understanding this. It is sometimes referred to as their sense of place. People feel very insecure when confronted with a lot of change, especially if that change appears to be random and unpredictable.

With this sort of approach, there is a framework or structure developed, and people in the community understand that change will occur. That is, to a degree, going to lessen some of the insecurity, even if some people do not like the change.

There are positive social and environmental arguments for being careful about where we enable redevelopment to occur. Obviously, we are never going to please everybody. Some people in the development community do not like it and want to have a free rein. The previous government took that approach. That had an impact which was deleterious to people's notions of what was happening to Canberra—the city they love. That was a quite significant aspect of the last electoral cycle and the election campaign. We now have a more structured approach.

Having said that, I would be interested to see how this broad framework is implemented and how it works out in practice—or the detail of it. The proposal of 200 or 400 metres around different sized centres could be too restrictive, or inappropriate for particular locations. There is a necessity for flexibility in the appropriateness of the use of such criteria.

I do not know how much flexibility there will be—maybe Simon Corbell will talk to that—but there must be a capacity for solutions which fit particular communities and suburbs. That brings the role of neighbourhood planning into decisions made about these sorts of issues. I know some people in the community are concerned because they do not understand—I do not understand either, but perhaps Mr Corbell can make it clear—exactly how the neighbourhood planning process sits with this variation, which has precedence or how they work together. People are interested in understanding that.

There are other general process issues about the new planning authority which are related to this. I understand there will be a committee, so those issues can be looked at at that stage. Examples of those concerns would include, as I understand it, the fact that the new authority has a function of reviewing its own decisions.

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There is also the whole question of appeal rights, which the government has said they will revamp but, as I understand it, they have not yet come up with a proposal. That is a really important issue. The community must have confidence in any appeal mechanisms the government puts up. Clearly, that is a very important accountability measure.

Another process issue raised by constituents concerning the new authority is the question of the role of the community in the proposed advisory council. There seem to be concerns that that is an expert committee rather than a community committee. There are, once again, some concerns about how the community can contribute to decisions of the new authority. That could also be looked at if a committee is set up.

The other aspect of the garden city variation I would like to touch on is the quality of developments. Design quality should be given greater emphasis than it was given by the previous government. I have not yet seen evidence which gives me a lot of confidence that there will be adequate emphasis put on it by this government.

That is obviously related to environmental concerns that development is our best practice. We see solar passive buildings, there is water sensitive urban development, and socially innovative and appropriate development. There is also equitable social development, which brings in the whole question of social housing and the mix of housing.

That has come up in my consultation around the garden city variation as well. There is a concern that it could be quite elitist and inequitable. We know, from the government, that they are interested in looking at affordable housing opportunities—and they have set up a task force. That definitely needs to be integrated into any planning.

As to best practice design, sometimes the argument is put that that is inconsistent with what I have just asked for—socially inclusive housing opportunities around the centres and in these new developments—because it drives up the prices. However, that is only if you take a short-term view of price. If you look at life cycle, it is cheaper to make dwellings energy efficient and so on. Obviously, that is understood by people here. It is about getting that moved into the market as well—and that is definitely a role of government. It is something from which people who live in the Canberra community will benefit—not just now but into the future. It is too easy for people to develop areas for short-term gain and then move on, and leave communities with the results of those developments. That is why government has a very important role in taking the longer-term view when establishing a framework for redevelopment—or, in fact, for any development.

Those are all the points I want to cover today in this matter of public importance. I think it is a discussion that will continue. As I said, we certainly are interested in seeing how it works in practice. I believe there needs to be flexibility, so we can see what happens and also get clarification on a number of the issues I have raised which are not yet clear.

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (4.41): Mr Deputy Speaker, I am very pleased that Ms Gallagher has proposed this matter of public importance today. I am pleased because, only 12 months ago, there was an extensive and wide-ranging debate in

this city, in the lead-up to the last election, which highlighted the very serious and detrimental impact the previous government's planning policies were having—particularly on established, inner suburbs of Canberra. There was also concern for many other suburbs in Canberra.

The level of community concern was such that it led the National Trust to place nine Canberra suburbs on its endangered places list for 2001. These were the suburbs of O'Connor, Ainslie, Braddon, Reid, Turner, Red Hill, Yarralumla, Forrest and Griffith. The National Trust said that all of these were threatened by increased housing density, infill and the planning policies of the previous ACT government.

Mr Deputy Speaker, that is a serious step for any body to take. The move of the Australian Council of National Trusts to place these nine Canberra suburbs on its endangered places list was one which reaffirmed, for many in our community, the very serious concern they had with the previous government's ad hoc approach to development and redevelopment in these areas. Last week, the Australian Council of National Trusts released its report card on the endangered places list for last year, as well as releasing its new endangered places list for this year.

According to the Australian Council of National Trusts, the protection of Canberra's garden suburbs was the one substantial success of the 2001 endangered places campaign and, to quote the trust, "demonstrates how constructive community-driven resolution can be".

In its report on last year's outcomes of its endangered places listing, the trust stated that the incoming ACT government responded quickly to community concerns by restricting rampant development in the garden suburbs of Canberra and has now embarked on a major program of community consultation to establish future planning arrangements for Canberra. This is a model which could be adopted in relation to other urban precincts still very much at risk—the west end in Perth, for example, and the east end in Adelaide.

I am very proud that the ACT government is in a position to be seen by the pre-eminent heritage and conservation body in this country that our planning policies are a model which other jurisdictions should look at when it comes to managing redevelopment in established urban areas.

The initiative credited with achieving this turnaround, and the removal of the endangered status of the nine Canberra suburbs, was primarily put down to draft variation 200 to the Territory Plan. That draft variation is currently out for public comment. The government has called the draft variation the garden city variation. We have done so for very good reasons—because it focuses pre-eminently on protecting the garden city characteristics of Canberra suburbs, whilst still allowing for appropriate and responsible change.

Mr Deputy Speaker, the variation implements a number of important changes. The ones I would like to draw members' attention to today include the designation of residential areas into suburban and general areas, and the specific planning controls and objectives that are placed for each of them.

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Suburban areas—this applies to most of Canberra’s suburbs and all of its heritage areas—will have new controls put in place. Suburban areas are those areas located in a section wholly outside of 200 metres from a local or group centre, or 300 metres from a town centre in Civic itself. In these areas there will be no triple occupancy or multi-unit development. Dual occupancy development will still be permitted, but there will be no unit titling for the additional dwelling. In addition, the variation puts in place new controls for development.

The focus on these is on provision of private open space, direct sunlight access, better solar access provisions, and privacy for residents. This responds directly to the concerns that have been raised in our community about overshadowing, loss of sunlight and loss of privacy because of redevelopment.

The current provisions—just to outline what the previous government left us with—include a performance measure, specifying a minimum area of private open space to be 35 per cent of the block, for blocks up to 450 square metres, and 40 per cent of the block for blocks over 450 square metres. The garden city variation introduces a formula which significantly increases these minimum amounts. That is an immediate response to the issues being raised by the community.

For example, a block of 400 square metres will require 50 per cent private open space, an 800-square-metre block will require 60 per cent private open space, and a 1,200-square-metre block will require over 63 per cent private open space. There are also provisions dealing with providing for greater sunlight access and more privacy. For example, there are new overshadowing provisions which ensure that, in these residential areas, overshadowing can be no greater than that cast by a two-metre high fence on the northern boundary in mid-winter. So that is a very significant change that protects solar access rights. It is another of the government’s key election commitments to legislate and protect solar access for residents, to legislate and provide for greater private open space and greater planting areas for trees and gardens—those qualities that we value about our city.

The government recognises, though, that we need to provide for the continuing change in evolution of our suburbs. So both within the suburban areas and in the general areas, under the residential land use policy, there is provision for this to occur. In the general areas, dual and triple occupancy development and multi-unit development is still permitted, although new controls are in place to provide for privacy and prevent overshadowing—the range of issues I have just addressed.

These general areas are focused to allow for redevelopment activity to occur in greater intensity close to services and facilities where people live. One of the main complaints about redevelopment of Canberra’s existing suburbs has been that it has occurred in a scattergun way, using an ad hoc approach, which does nothing to improve the sustainability of our city and does nothing to encourage greater use of non-car modes of transport, and does nothing to give greater access to services and facilities.

So the general areas of land use policy proposed under residential policies means that high-density development occurs close to shops, and local services and facilities that people need and use. It allows people who live in a smaller dwelling to be close to the shops. They are able to walk to the shops and, because they are on a major public

transport route, can get onto a bus easily. They are able to access the services and facilities they need as they age, without needing to own a car. If they are unable to use a car, they are still able to access these services and facilities.

The aim of DV 200 is to focus redevelopment activity which meets the outcomes our city wants to achieve—outcomes of sustainability, high density, proximity to services and facilities and public transport—but, at the same time, preserving the amenity of our suburbs, streetscapes and the garden setting that so many Canberrans value and want to see retained.

In many respects, draft variation 200 is not yet in effect. It is yet to be looked at by the standing committee of the Assembly and is yet to be tabled in this place as a formal variation. The government is serious about the public consultation process in relation to this draft variation. It has extended by a month the period for which the draft variation is open to public comment, because of the interest shown by both industry, the community and individuals in our city.

Draft variation 200 is about restoring fairness now, giving greater certainty now and into the future for both residents and the development industry, and building a sustainable framework for our city. The recommendation of the Australian Council of National Trusts that these suburbs will no longer be endangered if this draft variation is passed is one this government welcomes. It is a reaffirmation of our commitment to protect Canberra as the garden city.

**MRS DUNNE (4.51):** Mr Deputy Speaker, I must have missed a point or two along the way, because I naively thought that planning, especially planning in the ACT under the Labor government, was about planning for people. However, I think people have been overlooked in all of this discussion.

You might note that, from time to time, I am fond of quoting Edmund Burke. I do so because of his clarity of thought. I think it was he who succinctly put what government is about. He said it is a contrivance of human wisdom, to provide for human wants.

When talking about human wants, what has the National Trust done, on this occasion? In many ways, the National Trust is a very estimable organisation, but its role in this issue of Canberra's so-called endangered garden suburbs has left me underwhelmed in the extreme.

Does the National Trust consider the social impacts of what it says and does? Does it ever consider the social impacts, or is it planning for buildings rather than people—in the same way as some people here would prefer to put plants before people? I do not think there is any evidence that they prefer to put people before buildings.

In its so-called report card, the trust hails draft variation 200 as a positive outcome. I will go back and reinforce what the minister has just said. A draft variation is just that—it is a draft. It is subject to a great deal of change and manipulation. We do not know what it will look like. If this is a positive outcome, I would hate to see a negative one. It is only a piece of paper at this stage. It has very little to recommend it, and there is very little to say that it will be like this in a year's time.

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Yes, it does have some draconian impacts now, but we do not know what it will look like in the future. Yes, it is true to say that the government has set in train certain initiatives which they say are designed to protect the so-called garden city which it values and which it says is under threat—but I am not sure the threat ever existed.

What concerns me deeply is the evidence offered by the trust for its alleged outcome. Its evidence for this outcome is flimsy in the extreme. It would be laughable if it were not serious. The thing that has saved the garden suburbs of O'Connor, Ainslie, Braddon, Turner, Reid, Red Hill, Yarralumla, Forrest and Griffith is draft variation 192, which attempts to impose arbitrary limitations on dual and triple occupancies.

The most dubious proposition is draft variation 200, which has set alarm bells going through most of Canberra business and most of the major institutions, because of its lack of definition and its uncertainty—uncertainty about how it fits into the other strategic documents being bandied around in the name of new planning in this town.

Nowhere in this do we see any views about people. What we have with this report card and the views of the National Trust is a “do not touch” ideology which says that, at any cost—no matter how unacceptable the cost is—you keep the buildings and you do not worry about the people. I am saying, Mr Deputy Speaker, that the cost of draft variation 200 will be borne by the people who can least afford it.

I am glad Ms Tucker has spoken about affordable housing, because I would like to talk about affordable housing and the impact draft variation 200 will have on it. Draft variation 200 will mean that people on lower incomes will be conscripted to the outer edges of our city. Members of the Planning and Environment Committee had a discussion with members of the property council the other day, where this position was put very strongly.

It is not socially equitable that the poor are conscripted to the edges of our city so that the centre remains a museum—that we force these people to the outer fringes, where they spend their small amount of disposable income on petrol to get to work, instead of buying food.

Draft variation 200 is not about sensible preservation. It is not about balancing human wants and human needs with our history. My concern about draft variation 200 is that it is not about people. The bland assertion by the National Trust about the six suburbs comprising a significant 20th century planning achievement is just plain hyperbole. Parts of the suburbs are great, others are so-so, and others are just plain bad.

Let us take Turner as an example. It is singularly lacking in architectural distinction. Most of its houses are small, inefficient, and of no aesthetic merit. They usually have small windows, are badly oriented and badly insulated. They are extremely expensive for the people who live in them—often people on low incomes—to run.

The story is a legend. When I first came to Canberra, university students used to complain about how cold and bitter it was to live in rental housing in O'Connor and Turner. It is now 25 years later, and another generation of university students tell my children the same story—about how difficult it is to live through a Canberra winter, in places like Turner and O'Connor, because of the bad design of the houses.

Is this what we are perpetuating? What gives Turner its character is its layout and the trees planted there. There is nothing about the houses that has any merit at all. The layout and the trees have never been threatened. The logical conclusion of the National Trust's flawed heritage argument is moving—I fear—inexorably towards the eventual deification of monocrete.

Where is the best practice in design? Where is the best practice in sustainability? We do not see it in draft variation 200, as we commit people to larger and larger blocks with smaller houses on them. As we move away from densification, we come down to an inevitable move towards the edges.

Where is the process? We have heard about sustainability. The minister—this whole government—repeats it like a mantra. It is all through the budget—everywhere it is sustainable this and sustainable that—and yet, as an organisation, they have not come up with a convincing definition. It has been picked up as a buzz word to dignify scatty policy and thinking which, in many cases, is clearly not sustainable. Draft variation is clearly not sustainable. What we see being lauded in this National Trust exercise is a powerful argument against sustainability. If this is what the government believes is real sustainability, they have a problem, and the people of Canberra have a problem.

I feel good about what was achieved in Canberra, especially in the inner city, during the time of the Liberal government. We achieved a social environment that made the inner city a liveable city. It put heart into the city. It was not a wasteland after five o'clock. It was a city for people—for the first time, you find people in the city. It is now vibrant, cosmopolitan and people friendly. It vies comfortably with other cities of comparable size.

I turn very briefly to Red Hill, to see what draft variation 200 does to it. Planning and Land Management gave me some very beautiful maps. I will table, with permission, an extract from one of those.

Leave granted.

**MRS DUNNE:** I present the following paper:

Red Hill—Extract of map showing general areas subject to Draft Variation No 200.

The map shows Red Hill—not where the general area will be confined to a nice 200-metre perimeter, but it will cut a 1.4-kilometre swathe of possible dual occupancies and high development through the heart of Red Hill—from Quiros Street to Tamar Street and Mugga Way.

This is not what the National Trust wants. If the National Trust has signed up to this, it has bought a pup. If the DV 200 is an answer to anything, all I can say is that they must have asked a really stupid question.

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The current Planning Minister is very keen to complain about the previous Liberal government's ad hoc and market-driven approach to planning. I would like to conclude, Mr Deputy Speaker, with a remark made by Mr Mark Latham, a federal colleague of these people. In the *Canberra Times* on 1 June it is reported that he said:

I've always thought Canberra is the best-planned city in Australia.

In eight years I have been travelling here it has answered its critics in terms of achieving a more active cosmopolitan lifestyle.

I submit that Mr Latham has it right and this government does not. There is an argument ahead of us, and we have to have it. The question is: is Canberra a genuinely sustainable suburb?

**MR DEPUTY SPEAKER:** Order! The member's time has expired. The discussions is concluded.

*At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly was put and negatived.*

## **Justice and Community Safety Legislation Amendment Bill 2002**

Debate resumed from 27 June 2002, on motion by **Mr Wood**, on behalf of **Mr Stanhope**:

That this bill be agreed to in principle.

Debate (on motion by **Mr Hargreaves**) adjourned to the next sitting.

## **Statute Law Amendment Bill 2002**

### **Detail stage**

Schedule 3.

Debate resumed from 25 June 2002.

Debate (on motion by **Mr Hargreaves**) adjourned to the next sitting.

## **Road Transport Legislation Amendment Bill 2002**

Debate resumed from 16 May 2002, on motion by **Mr Wood**:

That this bill be agreed to in principle.

**MS TUCKER** (5.04): This bill contains two major initiatives plus some minor amendments to the Road Transport Act. The two initiatives are the introduction of a written-off vehicle register and the introduction of digital image retention of photographs on drivers licences and proof-of-age cards.

The written-off vehicle register will keep a record of the vehicle identification numbers of motor vehicles that have been damaged in an accident and assessed to be not worth repairing. This will prevent the reregistration of stolen vehicles using a vehicle identifier taken from a written-off vehicle, what is called rebirthing of stolen vehicles.

I understand that this aspect of the bill is the ACT's response to an agreement by the Australian Transport Ministerial Council to develop written-off vehicle registers in each jurisdiction as a key element in reducing vehicle theft. This seems like a reasonable initiative, and I don't have a problem with it.

The retention of the digital image of people who obtain a drivers licence or proof-of-age card is more problematic, as it raises significant privacy issues. At present drivers licences and proof-of-age cards contain a photo of the person, but these are just Polaroid photos taken at the time of the issue of the licence or card and are not stored separately.

This has allowed unscrupulous people to obtain licences with their photo on it but the name and details of someone else. This has led to problems of identity fraud, as drivers licences are commonly used as a form of proof of identity for the police in tracking down driving offenders and for bank accounts, passports and Centrelink benefits.

Technology is now available to take those photos as digital images which can then be stored in a computer database alongside other information about the person being issued the drivers licence. The person's signature can also be stored as a digital image. The new rego.act computing system currently being implemented by the Road Transport Authority has this capacity.

Persons seeking to renew or replace their licence will have to be visually matched by counter staff to the digital image already stored in the computer before a new licence can be issued. Given that drivers licences are issued for five-year periods, it will take some time for the full database of images to be completed.

I am concerned about potential misuse of these digital images and the long-term implications of the use of biometric identification technology. The bill addresses the misuse aspect by restricting the use and disclosure of the images to licensing and law enforcement purposes.

The Commonwealth Privacy Act will also apply to the use of these digital images. The Department of Urban Services has prepared a protocol covering the collection, storage, security use and disclosure of photographic images which goes into detail about how the rego.act system will be set up to ensure that the information privacy principles in the Privacy Act will be met.

This bill has sufficiently attempted to meet all the necessary requirements of current laws and principles on the protection of privacy to deserve support. However, I wonder where this is all headed. Digital image technology allows the photographs of ordinary people to be moved around any computer network, including the Internet, and linked to any other databases. Images can be altered or inserted into other images. Images can be analysed to determine unique features.

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In the future we may have no need for identification numbers. Our bodies will be our identification. Technology is being developed for computers to be able to accurately and efficiently scan various parts of our body, such as the distance between points on our faces, the pattern of our retinas, or the shape and skin texture of our fingers. Signatures have been used for many years as a form of biometric identification, but the use of information technology has opened up vast new opportunities for accurate, non-intrusive identification.

Interest in biometric identification technology has increased since September 11, as governments seek to track down people they regard as enemies of the state. For example, there was a small article, with a photograph, in the *Canberra Times* on 27 May this year which reported that visitors to the Statue of Liberty in New York are now having their faces videoed before entry and that the digital images are transmitted to a computer and compared to a database of images of known or suspected terrorists or criminals. If a match occurs, the individual is denied entry and held for questioning. The potential for innocent people to be misidentified by such security systems and to have their liberty threatened is enormous.

The constant surveillance by Big Brother as presented in George Orwell's book *1984* seems to have now been reduced to a silly TV show. But perhaps George Orwell merely got the year wrong.

There is certainly an ongoing trend for governments and large corporate organisations to have increasing stored knowledge of the activities of individuals. The history of identification systems throughout the world provides evidence of their application to additional purposes not announced or perhaps not even contemplated at the commencement of the scheme.

For example, the tax file number has been extended progressively from its original use in the taxation system and now needs to be quoted regularly in employment, banking and social security situations. While Australians rejected the idea of an Australia card as a mass personal identification scheme many years ago on the grounds that it was an invasion of privacy, since then information technology-based identification systems have been introduced in a more piecemeal and incremental fashion.

This may be lulling us into a false sense of security that our privacy is being adequately protected. The efforts of the Commonwealth to establish privacy legislation and a privacy commissioner are to be applauded, but legislation is only as good as its implementation.

On one hand, this bill looks like a small step in using digital photograph technology for ensuring the integrity of the driver licence system. On the other hand, it is just one more increment in the trend for everything about us, our movements, our finances, our legal status, our activities and our purchases to be recorded in a computer somewhere and for our lives to be governed by the correct and proper operation of those computers.

On balance, I think this initiative can be supported because of its limited and controlled application. But I do think the government and this Assembly need to keep the broader privacy issues in mind in any further initiatives like this.

**MRS CROSS (5.10):** The opposition is pleased to support this bill, especially as it finalises work that was initiated by the previous Liberal government. This bill addresses two problems that have lacked sufficient restriction for some time: car theft and identity fraud. Not only is each of these a significant problem individually, but the two combined can also compromise road safety.

The previous government recognised some time ago that more needed to be done to keep track of car registration details and to use these as a tool to tackle car theft in the rebirthing of vehicles. In the 2000-01 financial year, \$4 million was allocated to replace the transport regulation information process system, commonly known as TRIPS.

This bill will use this new system to good advantage. The written-off vehicle register is part of a national approach that began two years ago to address vehicle theft. Having already been directly involved in this work, the opposition fully support it and wish it well.

The second issue being addressed by this bill—identity fraud—is a particular problem among teenagers who are after a fake ID in order to prove that they are over the legal drinking age. Unfortunately, fake IDs have been too easy to obtain, and once again the new TRIPS system will be made to work for the good of the community.

Naturally, there is always concern over the retention of personal information on databases. However, I am satisfied that this matter has been sufficiently addressed within the legislation and by the government's proposed protocols. I believe that we can establish a good system to protect property and privacy under this legislation, and it has opposition support.

**MS DUNDAS (5.12):** I rise to add the support of the Australian Democrats to this bill. The modernising of the process for issuing drivers licences and the establishing of the written-off vehicle register are two initiatives that we are happy to support.

To prevent professional motor theft it is vitally important to keep track of all Australian cars written off following accidents, as their ID numbers are often used to rebirth stolen cars, perpetuating vehicle theft. This initiative of the government places the ACT in the same league as our nearest jurisdictions of New South Wales and Victoria. I also understand that South Australia has a similar system and will be updating it to fall in line with the other Australian states.

The rebirthing of stolen vehicles is a crime which costs the community an estimated \$40 million each year. This is one crime prevention step that is to be noted and applauded.

I note from budget estimates for financial year 2000-01 that Urban Services listed that the written-off vehicle register was to be implemented that year at a cost of \$4 million. I would ask the minister, in closing this debate, to reassure the Assembly that we are not paying for this updated computer system twice and that this bill will not eat into our 2002-03 budget.

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Monitoring the staff who have access to the written-off vehicle register must be strict, as the New South Wales Independent Commission Against Corruption has noted in its report on car theft that there is a possibility for corruption surrounding the register and the criminal activities of professional car thieves.

This bill also modernises licences and the keeping of photographic images to help streamline the licensing process. There are privacy concerns around this that Ms Tucker discussed in detail. However, I believe that the safeguards in this legislation and compliance with the Privacy Act are all that the Assembly can do at this point. It is up to the public servants, police and departmental staff to monitor the use of photographs and to ensure that they are being used only for the purposes listed in this legislation.

Finally, Minister, can you please reassure us that the funding detailed in this bill is the funding that will be used.

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (5.15), in reply: Mr Speaker, I thank members for their comments and their support with qualifications. I will start with the last point. Ms Dundas, I have no doubt that we are not paying for it twice, but I am sufficiently tentative not to stand up here and dogmatically assert that that is the case. I can express my confidence that the system is not doing that, but you can be sure that I will go away and check just the same, because of your remarks, and get back to you with the right answer for you.

Ms Tucker raised the point, as Ms Dundas did, that there are incremental steps in what information is gathered, stored and used and that we need to be very careful with those steps to justify them. Members seem to be saying on this occasion, "Yes, they are justified."

I point out, as I think members understand, that the Road Transport Authority is bound by the Privacy Act. I am confident that the bill, as I expect to have it amended, balances correctly tighter identity fraud controls with proper concern for people's privacy and full compliance with privacy principles.

Clauses 33C and 33D of the bill clearly specify the lawful uses and limited lawful disclosures that can be made of a stored image. Detailed protocols have been prepared stating how these uses and disclosures will operate.

The protocols, which also detail the collection, storage and security controls for the stored images, have been submitted to the Privacy Commissioner. That office does not formally approve such protocols but has provided useful policy advice, and the protocols incorporate that advice. I have circulated a copy of the protocols to members for their information. They will be complemented by the robust security procedures and data integrity measures in the rego.act computer system.

In addition, the Standing Committee on Legal Affairs has made some comments on the bill. In its view, the bill reveals commendable concern for privacy issues, although the provisions are not as clear as perhaps they should be. We respect that view of the committee, and I will be moving government amendments to fully address the points raised by the committee and to improve the clarity of the bill.

The government amendments also clarify the definition of written-off vehicle. We are confident that the control, use and disclosure of images will fully conform with the requirements of the act, and the Privacy Commissioner, I believe, supports those amendments.

Yes, we are concerned. Every collection of data is under scrutiny. We have consulted with the Privacy Commissioner and we have paid attention to our own Legislative Assembly committee on this issue, so I think your support for this bill is justified.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (5.18): Mr Speaker, I ask for leave to move amendments 1 and 2 circulated in my name together.

Leave granted.

**MR WOOD:** Mr Speaker, I move amendments 1 and 2 circulated in my name together [*see schedule 1 at page 2493*].

Proposed new section 33D includes a note stating that access to photographs and signatures may be sought under the Freedom of Information Act. This has been inserted as clarification following a point raised by our Standing Committee on Legal Affairs.

Proposed new section 33E requires the authority to ensure photographs and signatures are kept secure. This has been inserted as clarification following a point raised by the Standing Committee on Legal Affairs also. The previous similarity between the headwords of proposed section 33D (1) and the text of the proposed section 33E (1) was unhelpful, and we believe we have fixed that problem.

Amendments agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 12, by leave, taken together and agreed to.

Clause 13.

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (5.21): I ask for leave to move amendments 3 and 4 circulated in my name together.

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Leave granted.

**MR WOOD:** I move amendments 3 and 4 [*see schedule 1 at page 2493*].

Proposed new section 83B substitutes a new definition of written-off vehicle, which is now necessary following detailed drafting of the regulations. A motor wrecker does not assess whether a vehicle is a total loss, so an amendment is required to ensure that the dismantling or demolition of a vehicle by a motor wrecker is, for the purposes of the legislation, the writing off of the vehicle.

Proposed new section 83E makes it clear that important private information on the written-off vehicle register will be kept securely and disclosed only in circumstances authorised by law. It also includes notes about relevant information privacy principles and access under the FOI Act. This has been inserted as clarification following a point raised by the Standing Committee on Legal Affairs and reflects similar amendments made to proposed sections 33D and 33E, which we have just passed.

Amendments agreed to.

Clause 13, as amended, agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

## **Adjournment**

Motion (by **Mr Wood**) proposed:

That the Assembly do now adjourn.

## **Canberra Southern Cross Club**

**MR SMYTH** (5.23): Mr Speaker, it is with great pleasure that I rise today to bring to the attention of the community a recent lunch that was held at the Canberra Southern Cross Club. You were there, as were many others from this place. The Southern Cross Club puts millions of dollars a year back into the community, and for that we should all be grateful.

It is the breadth and depth of the community support that they offer that I wish to bring to the attention of the Assembly. At the lunch something like 96 grants totalling over \$200,000 were given out. This was a day of great rejoicing because it encompassed the community.

To prove that, I would like to read the list of organisations that received grants. I do this for a couple of reasons. The first, as I have said, is to show the depth and breadth of the commitment of the Southern Cross Club to the community. This list is a wonderful endorsement of the amount of community support in our city, the city that the rest of the

country thinks has no heart, life or soul. It shows you how much care we offer our fellow citizens.

The list of recipients of community grants goes like this: ACT Children's Week, ACT Deafness Resource Centre, the ACT Down Syndrome Association, the ACT Hospice Palliative Care Society, the ACT Junior Squad for Athletes with a Disability, the ACT ME/CFS Society, the ACT Muscular Dystrophy Association, the ACT Right to Life Association, the ACT Volunteer Brigades Association, the Adoptive Families Association, the Alcohol and Drug Foundation ACT, the Alzheimer's Association ACT, Anglican Retirement Community Services, the Archdiocese of Canberra and Goulburn Sick and Retired Priests Fund, the Arthritis Foundation of the ACT, the Australian Catholic University, Australian Church Women, the Australian Family Association, the Australian National Eisteddfod Society, Australians for Reconciliation, the Billings Family Life Care Centre ACT, Camp Quality, the Canberra Blind Society, the Canberra Glaucoma Support Group, the Canberra Region Kidney Support Group, the Canberra Schizophrenia Fellowship, the Cancer Council, Canteen ACT, the Carmelite Auxiliary, the Caroline Chisholm Refuge run by St Vincent de Paul, the Catholic Women's League of the archdiocese of Canberra and Goulburn, the Centre for Faith and Ministry Development, the Christian Media Association, the Cystic Fibrosis Association, Diabetes Australia ACT, the Eagles Rest Outdoor Education Centre, Faith and Light Canberra—Intellectual Disabilities, Friends of the Brain Injured (SHOUT), Grow (the community mental health movement), the Guide Dog Association of the ACT and New South Wales, Handyhelp, Hartley Lifecare, the Juvenile Diabetes Research Foundation, Kairos Outside Canberra, Karinya House for Mothers and Babies, the L'Arche community, Life Education ACT, the Liturgical Commission, the Lone Fathers Association, Malkara School, Marymead, the Multiple Sclerosis Society of the ACT, the National Anzac Day Mass Committee, the Australian Association for the Prevention of Child Abuse and Neglect, the National Brain Injury Foundation, the National Council of Women of the ACT, the National Federation of Blind Citizens, the Nursing Mothers Association, Nutrition Australia, the Onward Stroke Club, Ozanam House for the Aged, Parents Support Services, the Parkinson's Association of the ACT, Pegasus Riding for the Disabled, the Post and Antenatal Depression Support Group, Pregnancy Support Services ACT, the Print Handicapped Radio of the ACT, Retina Australia ACT, the RSI Support Group, the RSPCA, the Serra Club of Canberra, SIDS and Kids ACT, the Sleep Apnoea Association, the Society of St Vincent de Paul food van, the Southpaw Stroke Club, the Southside Community Services footsteps program, St Joseph's House of Studies, St Mark's National Theological Centre, TAS Housing, Technical Aid for the Disabled, the Canberra Tinnitus Self Help Group, the Compassionate Friends of the ACT and Queanbeyan, the Epilepsy Association of the ACT, the Shepherd Centre, the Smith Family, the Woden School P&C Association, TOC Australia, the Tribunal of the Catholic Church, Tumladen Medium Term Youth Accommodation, the United Nations Association of the ACT, Ursula College, the Vietnam Veterans Federation, Volunteering ACT, the Wattle Day Association, the Woden Valley Child Care Association, and the YMCA.

I think it appropriate to thank the board. I particularly thank Bob Lloyd and his committee for the good work they do. I thank members of the club for their support of our community.

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### **Suspension of standing order 34**

Motion (by **Mr Cornwell**) agreed to, with the concurrence of an absolute majority:

That so much of standing order 34 be suspended as would prevent the adjournment debate continuing beyond 5.30 p.m.

### **Death of John Brooke Howse VRD, CStJ**

**MR CORNWELL** (5.29): Mr Speaker, I rise to pay tribute to a man who died recently: John Brooke Howse VRD, Knight of Grace of St John of Jerusalem. He died on 11 July 2002, aged 88.

John Howse was a naval officer in World War II, completing the war as a lieutenant commander. He was the Liberal member for Calare for 14 years, from 1946 to 1960. He retired in 1960 to Canberra and became a stockbroker, resident director of the P&O Shipping Company, chairman of Macdonald Hamilton and chairman of Perpetual Trustee Company.

In addition, he was involved very much in the life of the nation and of this city. He was on the council of the Australian War Memorial. He was president of the Navy League of Australia. He organised the Canberra sea cadets and was on the council of St John's Ambulance here in Canberra.

I met John Howse in 1966 when I came to Canberra to manage the P&O office here. John and his wife, Valerie, looked after me very well, introducing me to young people of my own age, including, I remember, two very charming daughters of the military attache of the British High Commission, at the Howses' swimming pool in Forrest.

John Howse also became my political mentor. He was a wise man full of commonsense and advice and a lifelong Liberal who led by example. Even last year, in the 2001 election he was helping in the campaign rooms, willingly doing those often boring and certainly mundane jobs like filling or addressing envelopes. He did not believe that as an ex-federal member of parliament such work for the Liberal Party was beneath his dignity.

John Howse was a gentleman, unfailingly polite, irrepressibly cheerful and popular with everybody. He represented a generation that, unfortunately, is rapidly passing on, a generation that unquestionably accepts responsibility. He gave uncomplaining service as required, always had time for others and greatly enjoyed of life.

To my eternal regret, I was overseas when John Howse died and therefore I missed paying my respects at the memorial service which was held at St Paul's, Manuka. I therefore take the opportunity to do so now, not only for myself but also on behalf of my wife and the community of Canberra John Howse served so well and in a dedicated manner for something like 40 years. I extend my condolences to his widow, Valerie, his sons, Charles, Jonathon and Robert, and their families.

## **Battle of Long Tan**

**MR PRATT** (5.32): I rise in this adjournment debate to speak to the commemoration of the battle of Long Tan. The commemoration took place on Sunday at the Vietnam Veterans memorial on Anzac Parade. Senator Reid, Annette Ellis, the Chief Minister and I attended. A significant number of Canberrans have a connection with the Vietnam war through their involvement in that war or as widows and families left behind.

The commemoration of the battle of Long Tan reflects on the entire Australian experience in the Vietnam war. The battle of Long Tan occurred on 18 August 1966 in the Phouc Tuy province of South Vietnam. An 80-man Australian force, ambushed by 2,500 NVA and VC troops, exhibited extreme courage. The battle took place in a rubber plantation, on a dark afternoon in pouring monsoonal rain. The enemy were extremely brave too in a way they continually hurled themselves at the small but brave Australian force.

The battle was savage. It went for four or five hours. Eighteen Australians were killed and about 25 on that wretched afternoon. Fifty per cent of the Australian force were shot. This should give us an understanding of the measure of the desperation and bravery.

As Brigadier Mark Evans of the ACT RSL and Peter Ryan, the president of the Vietnam Veterans Association, said so movingly on Sunday, Australian soldiers at the time were often sneeringly referred to by certain members of the political elite as a bunch of losers. They were not losers. These were men who inspired the Australian nation. For those who look at the details of what occurred, that inspiration lives on. These men were achievers. To these men, to Vietnam veterans in general, to widows of those who did not return and to their sons and daughters, I extend my personal regards and express my admiration. We here in the Assembly should be doing the same. Can I perhaps on behalf of the Assembly salute these men for what they did and what they believed in at that time.

## **Belconnen Magpies Justice Michael Finnane**

**MR STEFANIAK** (5.35): I congratulate an excellent Aussie rules football team in my electorate—the Belconnen Magpies—for a very good home-and-away season and wish them all the best for the upcoming finals. They have been somewhat unlucky in recent years, in getting to the grand final and not winning it. They are still chasing their first premiership. Hopefully this year they will bring home the first grade premiership flag. But I congratulate the first grade team and the club on a good season to date.

I also put on record here—I have done so publicly already—my congratulations of District Court Justice Michael Finnane for a landmark sentence in the particularly horrific pack rapes in Sydney. I think it really hit a nerve with the community. I think it helped restore a lot of faith in the judicial system. It certainly was a big sentence, but I think entirely appropriate, given the particularly nasty nature of the crimes. There has been immense community support for, and appreciation of, that sentence.

It probably brings into focus the need for further improvements to be made in sentencing processes not only in New South Wales and the ACT, where we could sure do with it, but throughout Australia. It will probably ignite a very positive debate which hopefully

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will see further reflections of the general community attitude. Hopefully that will deter many would-be criminals not only from the horrendous crime of rape but from other serious crimes as well.

I think the judicial system in Australia owes a big debt gratitude to Justice Finnane in that particularly difficult case. His sentence really did hit a spot. I have already seen a number of letters to various papers from people saying that their faith in the system has been reactivated.

Question resolved in the affirmative.

**The Assembly adjourned at 5.38 pm.**

## Schedules of amendments

### Schedule 1

#### Road Transport Legislation Amendment Bill 2002

Amendments circulated by Minister for Urban Services

1

#### Clause 4

**Proposed new section 33D (1), note**

**Page 5, line 13—**

*omit the note, substitute*

*Note 1* The Information Privacy Principles apply to the road transport authority. Principle 11 states when personal information may be disclosed by an agency (see *Privacy Act 1988* (Cwlth), s 14).

*Note 2* Access to photographs and signatures may be sought under the *Freedom of Information Act 1989* (which also provides that certain information is exempt from disclosure).

2

#### Clause 4

**Proposed new section 33E**

**Page 6, line 1—**

*omit proposed new section 33E, substitute*

#### **33E Security of photographs and signatures**

(1) The road transport authority must ensure that photographs and signatures are kept securely.

*Note* The Information Privacy Principles apply to the road transport authority. Principle 4 states requirements about the storage and security of personal information (see *Privacy Act 1988* (Cwlth), s 14).

(2) The regulations may make provision in relation to the keeping of photographs and signatures.

3

#### Clause 13

**Proposed new section 83B, definition of *written-off* vehicle**

**Page 10, line 26—**

*omit the definition, substitute*

**written-off** vehicle means—

(a) a vehicle that is assessed by a person prescribed under the regulations to be a total loss; or

(b) a vehicle that a person prescribed under the regulations begins to demolish or dismantle.

4

**Clause 13**

**Proposed new section 83E**

**Page 11, line 25—**

*omit proposed new section 83E, substitute*

**83E Security and disclosure of information in register**

The road transport authority must ensure that information in the written-off vehicles register is kept securely and disclosed only in accordance with this Act or another law in force in the ACT.

*Note 1* The Information Privacy Principles apply to the road transport authority. Principle 4 states requirements about the storage and security of personal information and principle 11 states when personal information may be disclosed by an agency (see *Privacy Act 1988* (Cwlth), s 14).

*Note 2* Access to the register may be sought under the *Freedom of Information Act 1989* (which also provides that certain information is exempt from disclosure).